APPENDIX C
COOPERATING AGENCY, CONSULTATION, AND OTHER INTERACTION DOCUMENTATION

C.1 COOPERATING AGENCY LETTERS AND DOCUMENTS

The following are copies of the correspondence between the U.S. Department of Energy (DOE), the Washington State Department of Ecology (Ecology), and the U.S. Environmental Protection Agency (EPA) regarding Ecology's and EPA's roles as cooperating agencies for this *Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington (TC & WM EIS)* and copies of the cooperating agency documents for this *TC & WM EIS*. Lists of these letters and documents are also provided.

C.1.1 Correspondence to Washington State Department of Ecology

To: Mr. Michael A. Wilson, Washington State Department of Ecology
From: Mr. James E. Rasmussen, U.S. Department of Energy
Date: November 8, 2002
Subject: Invitation to Participate as a Cooperating Agency in Development of the "Tank Closure, Hanford Site, Richland, Washington, Environmental Impact Statement (EIS)"

To: Mr. Michael A. Wilson, Washington State Department of Ecology
From: Mr. James E. Rasmussen, U.S. Department of Energy
Date: March 25, 2003
Subject: Memorandum of Understanding (MOU) for the Environmental Impact Statement (EIS)

Settlement Agreement re: *State of Washington v. Bodman*, Civil No. 2:03-cv-05018-AAM – January 6, 2006

Memorandum of Understanding Between the United States Department of Energy and the Washington State Department of Ecology for Development of the *Hanford Site Tank Closure and Waste Management EIS (TC & WM EIS)* – January 6, 2006

Amendment to January 6, 2006, Settlement Agreement between the United States of America and the State of Washington, Department of Ecology re: *State of Washington v. Bodman*, Civil No. 03-5018 – June 5, 2008

WASHINGTON STATE DEPARTMENT OF ECOLOGY – November 8, 2002

U.S. Department of Energy
Office of River Protection
P.O. Box 450
Richland, Washington 99352

NOV 0 8 2002

02-ED-011

Mr. Michael A. Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
1315 W. Fourth Avenue
Kennewick, Washington 99336

Dear Mr. Wilson:

INVITATION TO PARTICIPATE AS A COOPERATING AGENCY IN DEVELOPMENT OF THE TANK CLOSURE, HANFORD SITE, RICHLAND, WASHINGTON, ENVIRONMENTAL IMPACT STATEMENT (EIS)

The U.S. Department of Energy, Office of River Protection (ORP) is inviting you to participate in the development of the EIS for Tank Closure, consistent with the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), 40 CFR 1501.6. Consistent with the CEQ guidance, ORP will use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible, consistent with its responsibility as lead agency. ORP is requesting the State of Washington Department of Ecology provide information and analysis for those portions of the EIS in which you, as a cooperating agency, have special expertise. The addition of your specialized knowledge will be of great value to the planning process and will be incorporated into the EIS. On Friday, November 1, 2002, we provided your staff with a copy of the Memorandum of Agreement between the State of Idaho and the Idaho National Engineering and Environmental Laboratory as a frame of reference for how responsibilities could be outlined. ORP looks forward to your cooperation, involvement, and staff assistance in the planning and development of the EIS for the future disposition of tank closure at Hanford.

Your staff has participated this last week in our three internal scoping meetings and we appreciate the time taken to provide valuable input during the internal scoping process. We recognize that with many of the activities going on, all staff resources are constrained, however because of the interaction of NEPA and State Environmental Policy Act we would appreciate your participation in the development of the EIS. Please advise by return mail your acceptance of this invitation to participate, to identify your point-of-contact, and to make arrangements for consultation meetings.

WASHINGTON STATE DEPARTMENT OF ECOLOGY – November 8, 2002 *(continued)*

If you have any questions, please contact me, or Mary Beth Burandt, NEPA Document Manager for the Tank Closure EIS, (509) 373-9160.

Sincerely,

Woody Russell for

James E. Rasmussen, Director
Environmental Division

ED:MEB

cc: B. G. Erlandson, BNI
E. S. Aromi, CHG
J. Cox, CTUIR
S. L. Dahl, Ecology
J. J. Lyon, Ecology
J. L. Hanson, INNOV
P. Sobotta, NPT
P. F. X. Dunigan, RL
A. W. Conklin, WDOH
R. Jim, YN

WASHINGTON STATE DEPARTMENT OF ECOLOGY – March 25, 2003

U.S. Department of Energy
Office of River Protection
P.O. Box 450
Richland, Washington 99352

03-ED-045

MAR 2 5 2003

Mr. Michael A. Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
1315 W. Fourth Avenue
Kennewick, Washington 99336

Dear Mr. Wilson:

MEMORANDUM OF UNDERSTANDING (MOU) FOR THE ENVIRONMENTAL IMPACT STATEMENT (EIS)

Attached please find the amended and signed MOU for the responsibilities of each of our respective agencies in the cooperative preparation of the Tank Closure EIS. The overall responsibility of the U.S. Department of Energy, Office of River Protection, will be Lead Agency and the overall responsibility of the State of Washington Department of Ecology will be Cooperating Agency.

Changes to the MOU which have been made since you originally signed the MOU have been discussed with your staff in Kennewick, Washington. Should you agree with the changes, please sign the attached MOU and return it for entry into the Administrative Record for the EIS.

If you have any questions, please contact me, or Mary Beth Burandt, of my staff. (509) 373-9160.

Sincerely,

James E. Rasmussen, Director
Environmental Division

ED:MEB

Attachment

cc: See page 2

WASHINGTON STATE DEPARTMENT OF ECOLOGY – March 25, 2003 *(continued)*

cc w/o attach:
B. G. Erlandson, BNI
E. S. Aromi, CHG
C. J. Kemp, CHG (w/attach)
J. J. Luke, CHG
L. L. Penn, CHG
K. Tollefson, CHG
J. Cox, CTUIR
S. L. Dahl, Ecology
J. L. Hensley, Ecology
J. J. Lyon, Ecology
J. A. Bates, FHI
J. L. Hanson, INNOV
P. Sobotta, NPT
A. W. Conklin, WDOH
R. Jim, YN
Environmental Portal, LMSI

SETTLEMENT AGREEMENT RE: *STATE OF WASHINGTON v. BODMAN*, CIVIL NO. 2:03-CV-05018-AAM

SETTLEMENT AGREEMENT re: *WASHINGTON v. BODMAN*,
Civil No. 2:03-cv-05018-AAM
January 6, 2006

I. INTRODUCTION

The Department of Energy's (DOE) and the Washington State Department of Ecology's (Ecology) shared interest in the effective cleanup of the Hanford Site provides an opportunity to resolve the litigation involving the Hanford Solid Waste EIS. The overarching goal of this Settlement Agreement is to resolve the litigation and improve the relationship between DOE and Ecology to be more cooperative and collaborative. This Agreement is intended to resolve Ecology's groundwater analysis concerns in the HSW EIS and to provide an approach to analyze waste management actions at the Hanford Site. It is important to Ecology and DOE that on-going waste management operations and progress on tank waste treatment and closure continue. It is important to DOE that some off-site waste can be sent to Hanford for treatment, storage and disposal, recognizing the legal and policy objections of the State of Washington. The actions described in the following paragraphs are intended to satisfy applicable NEPA and SEPA requirements so that waste management and tank farm clean up work can continue and future permit actions are supported.

II. AGREEMENT

1. The parties agree that the existing scope of the Hanford Tank Closure EIS (TC EIS) (currently under development) will be expanded to provide a single, integrated groundwater analysis that will cover all of the waste types addressed in the Hanford Solid Waste EIS (HSW EIS) alternatives and cumulative impact analyses. The expanded TC EIS will be renamed the "Tank Closure and Waste Management EIS" (TC&WM EIS).

2. Pending finalization of the TC&WM EIS, the HSW EIS will remain in effect to support ongoing waste management activities at Hanford (including off-site waste transportation such as TRU and TRUM shipments to WIPP), in combination with other applicable Hanford Site NEPA and CERCLA documents, permits and approvals; provided, that pending finalization of the TC&WM EIS, DOE will not rely on the groundwater analysis in the HSW EIS for decision-making. When completed, the TC&WM EIS will supersede the HSW EIS. As a Cooperating Agency, Ecology will actively participate in the preparation of the TC&WM EIS as described in the *Memorandum of Understanding ("Cooperating Agency MOU" or "MOU") Between the U.S. Department of Energy and Washington State Department of Ecology for the Hanford Site Tank Closure & Waste Management EIS ("TC&WM EIS")*, dated January 6, 2006. The Cooperating Agency MOU has concurrently been developed by the parties and describes the cooperative relationship, roles, and responsibilities of the parties for purposes of preparing the TC&WM EIS.

3. Where feasible and appropriate, the TC&WM EIS will incorporate information from the HSW EIS that is not affected by the revised or updated analyses that will be performed in the TC&WM EIS, to create a single, comprehensive EIS addressing proposed tank closure

SETTLEMENT AGREEMENT RE: *STATE OF WASHINGTON v. BODMAN*, CIVIL NO. 2:03-cv-05018-AAM *(continued)*

and solid waste management activities for the Hanford Site. Such incorporation will be direct (as opposed to by reference) so that a single, integrated document is available for both public and agency reference. As mutually agreed to by the parties, the TC&WM EIS will update, revise, or re-analyze various resource areas from the HSW EIS, including providing quality assurance review as appropriate, to make them current and reflect the latest waste inventories and analytical assumptions being used for purposes of analysis in the TC&WM EIS. All updated analyses would, as appropriate, be included in the revised quantitative cumulative impact analysis in the TC&WM EIS.

4. DOE will utilize and apply the existing TC EIS procedures and requirements in expanding the scope of the current groundwater analyses in the expanded TC&WM EIS. These procedures and requirements include documentation of EIS team qualifications, required training or reading logs, and implementation of applicable provisions of DOE Order 451.1B, Chg. 1.

5. With Ecology's participation as a Cooperating Agency and consistent with the MOU, DOE will undertake additional public scoping of the expanded groundwater and other revised analyses to be included within the TC&WM EIS.

6. Ecology will remain a "Cooperating Agency" (as defined and described by 40 C.F.R. § 1501.6 and 40 C.F.R. § 1508.5) on the TC&WM EIS, just as it has been to date on the TC EIS.

7. The parties acknowledge that a revised MOU acceptable to both parties has been developed that replaces the current Ecology/DOE (ORP) Cooperating Agency MOU in place for the TC EIS. This revised MOU is a separate but related document entered into by the parties concurrent with this Settlement Agreement. The MOU expresses the likely benefits of the cooperative relationship between the agencies, and provides a full, open, and meaningful role for Ecology in the document's development. It also preserves Ecology's ability to express technical or policy points of view in a Foreword to the TC&WM EIS. The MOU provides a process for addressing such views for inclusion in the TC&WM EIS. In some cases, this process may result in additional sensitivity analyses. In the MOU, the parties also agree that periodic quality control reviews of data used to model impacts will be done and will incorporate "lessons learned" and recommendations from DOE's recent review of data quality and control issues in the HSW EIS. Finally, the MOU makes clear that Ecology's role as a Cooperating Agency does not mean that Ecology or the State of Washington agree, either from a technical or policy basis, with the scope of all waste management alternatives analyzed in the TC&WM EIS, or with the substance of all decisions DOE might make following finalization of the TC&WM EIS. While the MOU is a separate document from this agreement, the concepts captured in the MOU, as identified above, are material consideration for Ecology and DOE to enter into this Settlement Agreement.

2

SETTLEMENT AGREEMENT RE: *STATE OF WASHINGTON v. BODMAN*, CIVIL NO. 2:03-cv-05018-AAM *(continued)*

8. Pending finalization of the TC&WM EIS and the publication of appropriate Record(s) of Decision in the *Federal Register*, and as may be further limited by applicable law, the parties agree that DOE will not import offsite LLW/MLLW or Transuranic waste to the Hanford Site, except as permitted in the existing stipulations that have been agreed upon with the State and entered as orders of the court in the *Washington v. Bodman* litigation, provided that the exemptions that are included in the stipulations for LLW and MLLW shall also be applied to TRU and TRUM waste. These exemptions include:

   a) Naval reactor compartments, reactor core barrels, reactor closure heads, and pumps from Puget Sound Naval Shipyard or Pearl Harbor Naval Shipyard that may contain LLW or MLLW;

   b) Demolition wastes from the Emergency Decontamination Facility at Kadlec Hospital in Richland;

   c) Materials resulting from DOE-related work at Battelle Pacific Northwest National Laboratory's facilities in Richland, Washington;

   d) Materials from treatability studies conducted off-site on waste samples from the Hanford Site's underground tanks;

   e) Samples of wastes from Hanford;

   f) Materials shipped from Hanford for off-site treatment and returned to Hanford for later disposition; and

   g) Materials shipped from Hanford for off-site disposal, but returned to Hanford because the materials failed to meet Waste Acceptance Criteria or otherwise could not be disposed of at the intended disposal site.

9. With respect to current pending permit modifications for operational treatment, storage, and disposal (TSD) units (*e.g.*, T-Plant), Ecology will satisfy Washington's State Environmental Policy Act (SEPA) requirements in making permit modification decisions by relying on a SEPA checklist submitted with the modification application that combines material drawn from the HSW EIS (which has been subject to quality assurance review, as appropriate) and additional material submitted by DOE with the SEPA checklist.

III. STIPULATION AND DISMISSAL OF ACTION

In consideration of the agreements herein, the State agrees to dismiss without prejudice its claims alleging violations of the National Environmental Policy Act (NEPA) set forth in the complaint in *Washington v. Bodman*, Civil No. 2:03-cv-05018-AAM. The United States agrees to the

SETTLEMENT AGREEMENT RE: *STATE OF WASHINGTON v. BODMAN*, CIVIL NO. 2:03-cv-05018-AAM *(continued)*

dismissal, subject to agreement on an appropriate stipulation. The State agrees to file an agreed upon Stipulation within ten days of the Parties' approval of this Agreement.

The Parties agree to request in the Stipulation that the Court enter a final judgment as to the HWMA/RCRA claims in *Washington v. Bodman*, Civil No. 2:03-cv-05018-AAM. The Parties agree that this final judgment will give rise to DOE's contingent obligations under the Tri-Party Agreement's M-91 milestone series.

IV. EFFECTIVE DATE

This Agreement shall be effective after completion of all of the following: the signature by the State and the United States on this Agreement; filing the Stipulation with the Court; the Court's dismissal of the NEPA claims and entry of final judgment as to the claims under the HWMA/RCRA.

V. ATTORNEY'S FEES

Each party shall bear its own costs and fees associated with the *Washington v. Bodman* litigation through the date of dismissal and entry of judgment.

DATED: 1/6/06

Ines Triay (EM-3), Office of Environmental Management
U.S. Department of Energy

DATED: 1/6/06

Jay Manning, Director
Washington State Department of Ecology

APPROVED AS TO FORM:

Andrew A. Fitz, WSB #22169
Assistant Attorney General
Attorney for Plaintiff

DATED: 1/06/06

Charles R. Shockey, DC Bar # 914879
Attorney, U.S. Department of Justice
Attorney for Defendants

DATED: 1/6/06

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

UNITED STATES DEPARTMENT OF ENERGY,

AND THE

WASHINGTON STATE DEPARTMENT OF ECOLOGY,

FOR DEVELOPMENT OF THE

HANFORD SITE TANK CLOSURE AND WASTE MANAGEMENT EIS

("TC&WM EIS")

I. INTRODUCTION

The U.S. Department of Energy (DOE) and Washington State Department of Ecology (Ecology) have mutual responsibilities for accomplishing cleanup of the Hanford Site as well as continuing ongoing waste management activities consistent with applicable federal and state laws and regulations. The *Hanford Federal Facility Agreement and Consent Order* (otherwise called the "Tri-Party Agreement", or "TPA") contains various enforceable milestones that apply to tank waste management activities. DOE is also required to comply with applicable requirements of the federal *Resource Conservation & Recovery Act* ("RCRA") and the state's *Hazardous Waste Management Act* ("HWMA") for ongoing waste management activities at Hanford. To carry out proposals for future actions and obtain necessary permits, each agency must comply with the applicable provisions of the federal *National Environmental Policy Act of 1969* ("NEPA") and the *Washington State Environmental Policy Act* ("SEPA"). There was a Cooperating Agency Memorandum of Understanding (MOU) in place for the Tank Closure Environmental Impact Statement (TC-EIS) effective March 25, 2003. This MOU is a revision to the original MOU. This MOU is entered into by the agencies to more effectively carry out their respective responsibilities in complying with the applicable provisions of NEPA and SEPA.

Concurrent with the development of this revised MOU, DOE and the Washington State Department of Ecology (Ecology) entered into a Settlement Agreement to resolve the issues in litigation brought by the State of Washington (*Washington v. Bodman*) that challenged the adequacy of DOE's *Hanford Site Solid Waste Environmental Impact Statement* (HSW EIS). As a result of the Settlement Agreement, a Stipulation and Order of dismissal of the *Washington v. Bodman* litigation was agreed to between the parties and filed with the U.S. District Court for the Eastern District of Washington. Consistent with the Settlement Agreement, and as mutually agreed to with Ecology as a "Cooperating Agency" under NEPA, DOE will revise, update, and re-analyze groundwater impacts and other resource areas related to waste disposal alternatives in the HSW EIS. These new analyses will be integrated with the TC EIS, into the expanded

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

TC&WM EIS, which is currently under development. In addition, other existing analyses within the HSW EIS that are not directly affected by the waste disposal alternatives will also be reviewed, revised, and updated as appropriate, as part of the development of the expanded TC&WM EIS. Alternatives for low-level and mixed low-level waste drawn from the HSW EIS may be simplified for analysis and presentation purposes in the TC&WM EIS, as agreeable to both parties. The result will be a single, integrated EIS addressing ongoing and proposed waste management activities that were within the original scope of the HSW EIS as well as proposed scope of the TC-EIS activities that DOE will undertake at the Hanford Site.

DOE recognizes that Ecology has special expertise and perspectives that can aid DOE in its data gathering and analysis activities. DOE acknowledges that gaining the State's input on the regulatory implications and the technical aspects of retrieving, treating, immobilizing, and disposing of Hanford Site tank waste and performing other Hanford Site solid waste management activities will likely benefit DOE's environmental analyses under NEPA. The State recognizes that cooperation with DOE will likely aid DOE's progress toward meeting the legal requirements in the *Hanford Federal Facility Agreement and Compliance Order*, as well as likely improve DOE's analyses of potential impacts from waste management and tank closure alternatives at Hanford. It is therefore appropriate for Ecology and DOE to cooperate in preparation of environmental documentation for agency actions that must fulfill applicable requirements of NEPA and SEPA.

Ecology and DOE hope that a cooperative effort will streamline the environmental impact review process; avoid duplication, delay, and extra costs; and provide a superior product. Ecology and DOE agree to cooperate in DOE's preparation of environmental documentation intended to satisfy the applicable provisions of NEPA and SEPA for evaluation of the proposed waste management and tank closure actions at the Hanford Site that have been determined by the agencies to require an EIS. Ecology's cooperation does not necessarily mean that the State of Washington agrees, either from a technical or policy basis, with the scope of all waste management alternatives analyzed in the EIS, or with the substance of all decisions DOE might make following finalization of the EIS.

Nothing in this Memorandum of Understanding (MOU) should be interpreted as Ecology's concurrence that DOE's final EIS will satisfy NEPA regulations at 40 CFR Part 1500 et seq. or the SEPA pursuant to WAC 197-11-164.

II. PURPOSE

The purpose of this MOU is to define the responsibilities of each agency in preparation of the EIS. Pursuant to the Council on Environmental Quality (CEQ) regulations implementing NEPA, 40 C.F.R. Part 1501 et seq., the agencies agree that working together on an EIS may be accomplished in several ways. For the purposes of this MOU, DOE and Ecology (the Parties) agree that the most effective relationship shall be one in which DOE serves as the "Lead Agency" and Ecology serves as the "Cooperating Agency" As defined in the CEQ regulations (40 C.F.R. Part 1508). Ecology will be the lead agency representing the State for all matters related to SEPA.

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

The roles and responsibilities of both the Lead Agency and the Cooperating Agency during the preparation of the TC&WM EIS are detailed below. The Parties will revise the existing Tank Retrieval and Closure Process Communication Plan (RPP-13334, Rev. 0), as appropriate to describe this relationship and the process that the Parties will follow to carry out these respective roles.

III. ROLES AND RESPONSIBILITIES

A. "Lead Agency" means the party that will have final responsibility to ensure that the process leading to completion of a TC&WM EIS and a Record of Decision is adequately performed. The Lead Agency coordinates with all necessary parties, provides expertise and technical review, and meets all applicable NEPA requirements. As used herein, DOE is the lead agency.

B. "Cooperating Agency" means a party that participates in the process closely to provide advice and assistance to the Lead Agency, particularly in matters relating to SEPA requirements and to regulatory impacts and requirements. The Cooperating Agency may also offer advice and assistance in other parts of the process, as agreed with the Lead Agency. As used herein, Ecology is the Cooperating Agency.

C. "Process" means the joint process by which the Lead Agency will meet its NEPA obligations and the Cooperating Agency will meet its SEPA obligations.

D. Schedule for the TC&WM EIS: Subject to Section III of this MOU, the Parties agree to act with reasonable diligence to develop and implement a schedule that will have the final TC&WM EIS issued by an estimated completion date of June 2008.

E. Administrative Record Materials: The Parties agree that the development and maintenance of a complete, current Administrative Record are crucial for the NEPA decision-making process. To further this goal, the Parties agree that DOE will assemble and maintain the Administrative Record. In addition, to the extent allowed by law, the Parties agree that DOE and Ecology will provide all relevant documents, computer records, and any other materials to DOE for this purpose on a timely (preferably weekly) basis during the preparation of the draft and final EIS.

F. Data Gathering and Analysis: the parties intend that Ecology will participate in all appropriate phases of data gathering, analysis, and interpretation activities for the EIS, to the extent possible. The Parties will share and discuss information that DOE and its contractors use in the preparation of this EIS (examples include assumptions, input parameters of modeling, calibration, validation, sensitivity analysis, assessment of groundwater flow field, alternative conceptual models, assessment of uncertainties and significance, and exposure scenarios). DOE will share computer generated data files/packages that they used for this assessment with Ecology.

The Parties agree that DOE, with cooperation from Ecology, will conduct periodic quality control reviews of the data that DOE uses to model the impacts to groundwater and human health and the environment from the alternatives included in the TC&WM EIS. This effort is also intended to reflect the "lessons learned" and recommendations made to DOE from the quality

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

assurance review conducted for the HSW EIS, as documented in the *Final Report of the Review of the Hanford Solid Waste Environmental Impact Statement (EIS) Data Quality, Control and Management Issues*. Ecology will review a representative sample of data that DOE and its NEPA contractors incorporate into any modeling of releases or impacts of releases from the tank farms and other Hanford Site waste management activities.

Ecology and DOE have already signed a Technical Guidance Document (TGD) that establishes key values and methods for critical areas of analysis in the TC EIS now under development. The Parties agree that this TGD will remain in place for the TC&WM EIS, but may be revised and expanded as appropriate to address the additional groundwater and waste management scope being included from the HSW EIS.

Ecology's right to incorporate any technical or policy points of view in a Foreword to the TC&WM EIS is preserved. This MOU is intended to establish a balanced and open process for addressing such views for inclusion in the TC&WM EIS. In some cases, this process may result in additional sensitivity analyses.

IV. GENERAL DOE AND ECOLOGY RESPONSIBILITIES

DOE	ECOLOGY
A. Active and timely participation in all appropriate phases of the process.	A. Active and timely participation in all appropriate phases of the process.
B. Establish a time schedule for the process that meets both NEPA and SEPA requirements and allows review times for the agencies involved and effective citizen involvement.	B. Provide advice about SEPA requirements.
C. Provide for meetings with appropriate federal, state, regional, and local agencies, and concerned groups for the purpose of increasing communication and receiving comments on EIS-related documents.	C. Provide advice, assistance, and support at public meetings.
D. Maintain jointly with Ecology an issues resolution list that reflects the items about which the two agencies are not yet agreed. Either agency may add items to the list, but both must agree to delete an item. This information will be provided periodically to stakeholders, Tribal Nations, and other interested groups or individuals.	D. Maintain jointly with DOE an issues resolution list that reflects the items about which the two agencies are not yet agreed. Either agency may add items to the list, but both must agree to delete an item. This information will be provided periodically to stakeholders, Tribal Nations, and other interested groups or individuals. Ecology will post this on its "tank list serv."
E. Provide Ecology representatives with draft	E. Provide DOE with timely responses,

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

DOE	ECOLOGY
copies of relevant analyses, plans, schedules, issue papers, etc., in a timely manner. Adequate lead time normally is seven working days.	advice, or assistance as appropriate. Normally timely is seven working days.
F. In instances involving questions as to the content, accuracy or relevance of any material (including issues, data, and analyses), DOE will make the final determination on inclusion, deletion, or revision of the material. DOE will have responsibility for ensuring compliance with requirements of NEPA. DOE will attempt to produce an EIS that may be used by Ecology to satisfy SEPA.	F. Review drafts of data packages, EIS chapters, issue papers, public briefings and other such documents, and provide timely advice and assistance regarding content, accuracy, or relevance of those materials. Notify DOE if there is concern about the EIS meeting SEPA requirements.
G. DOE will conduct periodic QA/QC activities.	G. The State will cooperate with DOE in its periodic QA/QC activities.
H. Dispute Resolution • The Parties agree that they will strive to expeditiously and fairly resolve disputes at the NEPA Document Manager Level. Each party agrees to work professionally with the other to achieve closure on any issues arising during the process of preparing and processing the NEPA documents. • The Parties recognize that the essence of the NEPA process is to inform the public of different points of view on the technical matters whenever it is necessary for complete disclosure. Thus, one method of resolution under NEPA is for parties to "agree to disagree" and to so state in the NEPA documents.	H. Dispute Resolution • The Parties agree that they will strive to expeditiously and fairly resolve disputes at the Project Manager Level. Each party agrees to work professionally with the other to achieve closure on any issues arising during the process of preparing and processing the NEPA documents. • The Parties recognize that the essence of the NEPA process is to inform the public of different points of view on the technical matters whenever it is necessary for complete disclosure. Thus, one method of resolution under NEPA is for parties to "agree to disagree" and to so state in the NEPA documents.
I. Ensure compliance with requirements of NEPA and Council on Environmental Quality (CEQ) regulations, as well as other federal regulations and laws.	I. Not applicable.

5

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

DOE	ECOLOGY
J. Attempt to ensure compliance with requirements of SEPA and other Washington authorities as they relate to the TC&WM EIS. As much as possible consolidate meetings, processes, and documents.	J. Consult closely with DOE to ensure that all SEPA and other state requirements are clear and known to DOE as they relate to the TC&WM EIS. Offer timely advice and assistance regarding consolidation of meetings, processes, and documents.
K. Ensure that relevant environmental issues, reasonable alternatives, and environmental impacts are addressed in the EIS.	K. Provide advice and consultation to DOE about relevant environmental issues, alternatives, and environmental impacts as they are addressed in draft documents leading up to formal documents for public review.
L. Schedule meetings with appropriate lead time and notification to Ecology project members. Provide Ecology minutes and other papers relevant to those meetings.	L. Designate at least two Ecology representatives who will participate in the EIS project as project members. At least one Ecology project member will attend all relevant meetings, including project management meetings, briefings for management, and meetings with stakeholders and Tribal Nations. Ecology project members will participate in meetings to offer Ecology positions on issues, relevant expertise, advice, and assistance.
M. Respond to challenges to subsequent decisions made based on the final EIS.	M. Provide information and advice to DOE on responding to EIS challenges.
N. Continue obligations under the Tri-Party Agreement that remain unchanged by completion of the TC&WM EIS. If decisions based on environmental analyses in the EIS indicate the need to consider Tri-Party Agreement changes, DOE will follow the Tri-Party Agreement process to submit potential changes.	N. If decisions based on environmental analyses in the EIS indicate the need to consider Tri-Party Agreement changes, Ecology will follow the Tri-Party Agreement process to evaluate the proposal.
O. Some information supporting EIS analyses may contain predecisional, deliberative process (under FOIA or OUO), non-public information or proprietary data. DOE will	O. Ecology will comply with the public disclosure requirements of Chapter 42.17 RCW, which includes exemptions from disclosure for certain public records.

6

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

DOE	ECOLOGY
appropriately protect materials identified as "draft" or "proprietary" or that is labeled with other restrictive legends. DOE will limit use and dissemination of these materials to employees involved in preparation of the EIS. "Employees" includes Ecology project members with appropriate security clearances. If DOE receives a request for public disclosure, DOE will make a determination in accordance with federal laws how to respond. DOE will expeditiously process appropriate security clearances for Ecology EIS representatives.	Ecology will notify the DOE document manager of any request for public disclosure pursuant to RCW 42.17.330. In the event DOE determines that a document otherwise discloseable by Ecology under Chapter 42.17 RCW is not appropriate for public inspection, DOE may seek a protective order preventing disclosure of the document pursuant to applicable federal laws and/or RCW 42.17.330. Ecology will ensure that its EIS representatives obtain necessary security clearances.

V. PROCEDURES

DOE	ECOLOGY
A. Conduct public scoping meetings to receive comments on the proposed action and alternatives as described in the Notice of Intent.	A. Provide advice, assistance, and support at public meetings as requested by DOE.
B. Identify the primary issues and concerns arising from the scoping process including the public scoping meetings. Identify additional information acquired during the scoping process. Prepare a plan to address the issues and concerns in the draft EIS.	B. Provide advice and comment about the issues and concerns, and additional information, acquired in the scoping process, including public scoping meetings.
C. Write or rewrite sections, parts, or chapters of the EIS. Provide internal drafts to Ecology with adequate time for review and comment.	C. Review internal drafts of all sections, parts, or chapters of the EIS and offer comments or propose revisions.
D. Convene workshops as necessary or as requested with Ecology to review sections, parts, or chapters of the EIS and supporting analyses. Decide which comments and revisions should be reflected in the EIS.	D. Participate in workshops convened to review sections, parts, or chapters of the EIS and supporting analyses.
E. Accept the draft "Foreword" that Ecology provides.	E. Provide a draft "Foreword" to be included in the draft EIS.

7

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

DOE	ECOLOGY
F. Issue (distribute) the draft EIS to the public, and federal, state, and local agencies for review and comment using processes established by NEPA.	F. Review and provide comments on the draft EIS.
G. Receive comments resulting from the public comment period. Determine how the comments will be addressed and decide which changes to the draft EIS are necessary.	G. Participate in discussions on comment responses and proposed changes in the EIS with DOE. Provide advice and assistance. Notify DOE formally of disagreement with the final EIS.
H. Publish as a part of the "Foreword" in the final EIS a statement from Ecology which will contain its perspectives and positions on the development and content of the EIS.	H. Provide a statement in the comments and responses and changes to the EIS to DOE in a timely manner that will be included in the "Foreword" part of the final EIS that states Ecology's perspectives and positions.
I. Write the final EIS. File the final EIS with the U.S. Environmental Protection Agency. Make printed copies of the final EIS. Publish a Notice of Availability in the *Federal Register*. Distribute the final EIS to the public, and federal, state, and local agencies.	I. Review the final EIS and verify that Ecology comments on the draft EIS were adequately addressed. Determine if the final EIS can be adopted as a substitute for preparing the SEPA EIS. This adoption determination will be based on (1) whether SEPA requirements are met as specified in WAC 197-11-600 and 197-11-630, (2) whether State comments on the draft EIS were adequately incorporated into the final EIS, or (3) whether the final EIS has not been found inadequate by a court, the Council on Environmental Quality, or by the U.S. Environmental Protection Agency. Ecology will issue its determination to adopt the EIS. In the event that substantial written requests are received to hold a public hearing on the adequacy of the EIS as a substitute for the SEPA EIS, and DOE does not hold a hearing, Ecology will hold its own hearing. If necessary, Ecology may reconsider its adoption in light of comments made at the public hearing.
J. Decision Making: DOE is responsible	J. Decision Making: If Ecology has any

8

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

DOE	ECOLOGY
for making decisions to take actions within the scope of the EIS and related NEPA documents. DOE will make these decisions consistent with NEPA statutory and regulatory requirements. DOE shall discuss its decisions with Ecology prior to the issuance of the Record of Decision on the EIS.	objection to DOE's decision, to the extent practicable, Ecology will notify DOE of its objection prior to issuance of the Record of Decision (ROD). Nothing in the ROD shall preclude the State's ability to make independent decisions within its jurisdiction. The State will make SEPA determinations through analysis of the Final TC&WM EIS and will adopt the EIS if it meets the requirements of WAC 197-11 SEPA Rules.

VI. COMMENT AND ISSUE RESOLUTION PROCESS

DOE	ECOLOGY
A. Prepare responses to public comments. Make those responses available in draft form to Ecology with sufficient time for review and comment. Maintain a log of formal review comments and responses as part of the Administrative Record.	A. Aid DOE in preparing responses to public comments. Give input to DOE with sufficient time for review, comment, and incorporation.
B. Receive policy, technical, and editorial comments on internal draft materials from Ecology reviewers. DOE will determine whether and how to reflect these comments in the EIS.	B. Provide policy, technical, and editorial comments on internal draft materials.

VII. EFFECT OF THIS MOU

A. The Parties agree that the sole purpose of this MOU is to set out roles, responsibilities, and expectations of the Parties during DOE's preparation of the TC&WM EIS.

B. Both Parties agree that no portion of this MOU creates, nor is it intended to create, any enforceable legal rights, either procedural or substantive, as between the Parties or any third parties in addition to any such rights that may exist under applicable provisions of NEPA and SEPA.

C. Nothing in this MOU shall be construed to restrict in any way the authority of any agency of the State of Washington to ensure that DOE complies with the *Hazardous Waste Management Act of Washington* (RCW 70.105), SEPA (RCW 43.21C) or any other applicable law, order, or agreement.

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

D. Nothing in this MOU shall relieve DOE from its obligation to comply with any applicable federal, state or local law, order or agreement between the State of Washington and DOE.

E. Nothing in this MOU shall alter the rights and responsibilities of the Parties with regard to provisions of the Settlement Agreement and the Stipulated Order referenced in Section I of this MOU.

VIII. MODIFICATION AND TERMINATION

A. The Parties may modify this Cooperating Agency MOU by mutual written agreement.

B. This MOU will terminate when the Record of Decision for the Final TC&WM EIS appears in the *Federal Register*. However, the Parties may reinstate this MOU by mutual agreement if additional actions become necessary.

Roy J. Schepens 1/5/06
Roy Schepens, Manager, Office of River Protection, U.S. Department of Energy

1/5/06
Keith Klein, Manager, Richland Operations Office, U.S. Department of Energy

Ines Triay 1/6/06
Ines Triay (EM-3), Office of Environmental Management, U.S. Department of Energy

1/5/06
Jane A. Hedges, Program Manager, Nuclear Waste Program,
Washington State Department of Ecology

10

AMENDMENT TO JANUARY 6, 2006, SETTLEMENT AGREEMENT – June 5, 2008

Amendment to January 6, 2006 Settlement Agreement
between the United States of America and the State of Washington, Department of Ecology
re: Washington v. Bodman, Civ. No. 03-5018 (E.D. Wa.)

WHEREAS the United States of America (the "United States") and the Department of Ecology, State of Washington (the "State") signed the above-referenced settlement agreement on January 6, 2006 (the "Settlement Agreement"); and

WHEREAS, the United States and the State now wish to modify that agreement to allow the Department of Energy's Hanford facility to receive and certify for shipment to the Waste Isolation Pilot Plant 29 drums of transuranic waste currently located at the Areva facility adjacent to the Hanford facility,

NOW THEREFORE, the United States and the State hereby agree to modify the January 6,2006 Settlement Agreement as follows:

1. Following Paragraph 8, a new Paragraph 8.1 shall be added to the Settlement Agreement. Paragraph 8.1 shall read as follows: "In addition to the materials identified in Paragraphs 8.a through 8.g, the United States and the State agree that the Hanford facility may receive 29 drums of transuranic wastes currently stored at the Areva facility, which is adjacent to the Hanford facility, if (i) the waste is certified for disposal at WIPP by June 30, 2009, and (ii) the 29

AMENDMENT TO JANUARY 6, 2006, SETTLEMENT AGREEMENT – June 5, 2008
(continued)

drums will not count towards meeting any TRUM certification requirements under HFFACO milestone M-91."

For the United States:

RONALD J. TENPAS
Assistant Attorney General
Environment and Natural Resources Division

MICHAEL J. ZEVENBERGEN
United States Department of Justice
c/o NOAA/Damage Assessment
7600 Sand Point Way, NE
Seattle, WA 98115
(206) 526-6607

6/2/2008

For the State of Washington:

Andrew A. Fitz
Assistant Attorney General
P.O. Box 40117
Olympia, Washington 98504-0117
(360) 586-6770

6/5/08

C.1.2 Correspondence to U.S. Environmental Protection Agency

To: Mr. Dennis L. McLerran, U.S. Environmental Protection Agency
From: Ms. Carol M. Borgstrom, U.S. Department of Energy
Date: May 3, 2010
Subject: Invitation to Participate as a Cooperating Agency in Development of the *Final Tank Closure and Waste Management Environmental Impact Statement (TC & WM EIS)*

Memorandum of Understanding Between the U.S. Department of Energy, as Lead Agency, and the U.S. Environmental Protection Agency, as a Cooperating Agency, for the *Final Tank Closure and Waste Management EIS for the Hanford Site, Richland, Washington (TC&WM EIS)*, April 22, 2011.

EPA Region 10 was asked to be a cooperating agency in 2002 and declined. In 2006, after the Settlement Agreement (*State of Washington v. Bodman*, Civil No. 2:03-cv-05018-AAM) was signed, EPA was asked to support the development of the groundwater modeling efforts through the Technical Review Group (TRG) process and declined. EPA Region 10 indicated that, because its focus was on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the *TC & WM EIS* decisions were not needed to support CERCLA action, EPA was not going to support the *TC & WM EIS* efforts. In May 2010, DOE asked EPA to become a cooperating agency after the draft environmental impact statement (EIS) was published. As a result of previous discussions, DOE did not ask EPA for its expertise related to the technical or modeling areas in its role as a cooperating agency. The following items reflect a high-level summary of the EPA interactions:

- November 2002: DOE asked EPA to be a cooperating agency on the "Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site, Richland, Washington" ("Tank Closure EIS") (DOE/EIS-0356). EPA declined.

- April 2006: EPA declined to participate in model development efforts resulting from the 2006 Settlement Agreement to expand the "Tank Closure EIS" into this *TC & WM EIS*.

- January–March 2010: DOE responded to questions from EPA on the *Draft TC & WM EIS*.

- April 5–6, 2010: EPA, Ecology, and DOE met to discuss EPA's preliminary comments on the draft EIS.

- May 3, 2010: DOE invited EPA to be a cooperating agency for this *TC & WM EIS*.

- October 19–21, 2010: EPA, Ecology, and DOE met to discuss ways to address cooperating agency comments.

- October 2010–February 2011: DOE and EPA worked on a Memorandum of Understanding regarding EPA's role as a cooperating agency.

- August 31, 2011: DOE met with EPA to discuss progress on this *TC & WM EIS*. EPA was provided an early draft of DOE's responses to EPA's comments on the preliminary final EIS.

- October 17–20, 2011: EPA participated in the cooperating agency review meeting of the preliminary final EIS.

U.S. ENVIRONMENTAL PROTECTION AGENCY – May 3, 2010

Department of Energy
Washington, DC 20585

MAY 03 2010

Mr. Dennis L. McLerran, Regional Administrator
U.S. Environmental Protection Agency
1200 Sixth Ave., Suite 900, RA-140
Seattle, WA 98101

Dear Mr. McLerran:

The purpose of this letter is to invite the U.S. Environmental Protection Agency (EPA) to participate as a cooperating agency in the Department of Energy's (DOE's) preparation of the Final Tank Closure and Waste Management Environmental Impact Statement (TC&WM EIS), pursuant to the National Environmental Policy Act (NEPA).

Section 1501.6 of the Council on Environmental Quality's implementing regulations for NEPA outlines the process for inviting other Federal agencies to participate in the NEPA process. Such involvement is based on another Federal agency having either jurisdiction by law, or possessing special expertise regarding any environmental issue to be addressed in the NEPA document. In view of EPA's jurisdiction under the Tri-Party Agreement and special expertise, EPA's participation as a cooperating agency in the preparation of the Final TC&WM EIS is appropriate. In addition, we appreciate EPA's participation in the April 5-6, 2010, joint (DOE, EPA, and Washington State Department of Ecology) workshop on technical issues related to the Draft TC&WM EIS. We have found the recent dialog helpful in understanding and working through specific technical issues raised by EPA and believe that continued interaction would be beneficial.

If you or your staff have any questions or issues concerning the EIS, please contact Mary Beth Burandt, TC&WM EIS NEPA Document Manager, at 509-372-7772 or mary_e_burandt@orp.doe.gov. If you have any questions about DOE's NEPA process, please contact me at 202-586-4600.

Sincerely,

Carol Borgstrom

Carol M. Borgstrom
Director
Office of NEPA Policy and Compliance

cc: Susan Bromm, EPA HQ
Robert Hargrove, EPA HQ
Marthea Rountree, EPA HQ
Dave Bartus, EPA Region X

Printed with soy ink on recycled paper

U.S. ENVIRONMENTAL PROTECTION AGENCY – May 3, 2010 *(continued)*

Dennis Faulk, EPA Region X
Theogene Mbabaliya, EPA Region X
Christine Reichgott, EPA Region X

MEMORANDUM OF UNDERSTANDING: THE U.S. DEPARTMENT OF ENERGY AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY – April 22, 2011

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

U. S. DEPARTMENT OF ENERGY, AS LEAD AGENCY,

AND THE

U.S. ENVIRONMENTAL PROTECTION AGENCY,

AS A COOPERATING AGENCY,

FOR THE FINAL TANK CLOSURE AND WASTE MANAGEMENT EIS

FOR THE HANFORD SITE, RICHLAND, WASHINGTON

("TC&WM EIS")

I. INTRODUCTION

Pursuant to the National Environmental Policy Act (NEPA), this Memorandum of Understanding (MOU) defines a cooperating agency relationship between the U.S. Department of Energy (DOE) and U.S. Environmental Protection Agency (EPA) for preparation of the final Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site (TC&WM EIS). Under a separate MOU, the Washington State Department of Ecology (Ecology) is also a Cooperating Agency and is the lead agency representing the State for all matters related to the State Environmental Policy Act (SEPA). EPA was neither a cooperating agency in the initial scoping process for the original Tank Closure EIS or the expanded TC&WM EIS, nor in DOE's subsequent development of the alternatives evaluated in the EIS, or the preparation of the draft TC&WM EIS. However, DOE considers it appropriate and timely to obtain EPA's technical expertise and experience, from both a national and regional perspective, on the final TC&WM EIS. DOE seeks EPA's input regarding nationally acceptable approaches to modeling and analysis of potential environmental impacts associated with the proposed actions and alternatives evaluated in the final TC&WM EIS.

II. PURPOSE

The purpose of this MOU is to define the roles and responsibilities of each agency (lead and cooperating) in the EIS process pursuant to the Council on Environmental Quality (CEQ) regulations implementing NEPA, 40 C.F.R. Part 1500 et seq., and CEQ guidance concerning cooperating agencies (see http://ceq.hss.doe.gov/). For purposes of the final TC&WM EIS, DOE is the "Lead Agency" and EPA is a "Cooperating Agency" as defined in the CEQ regulations (40 C.F.R. §§1501.5, 1501.6, 1508.5, 1508.16). The cooperating agency roles and responsibilities in the TC&WM EIS process are separate from and not intended to duplicate or replace the same agency's regulatory roles, including under the Tri-Party Agreement, or EPA's oversight of Ecology's authorized dangerous waste program. The roles and responsibilities of DOE (Lead

MEMORANDUM OF UNDERSTANDING: THE U.S. DEPARTMENT OF ENERGY AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY – April 22, 2011 *(continued)*

Agency) and EPA (Cooperating Agency) during the preparation of the final TC&WM EIS are detailed below.

III. ROLES AND RESPONSIBILITIES

A. As the Lead Agency, DOE initiated the preparation of the final EIS and has ultimate responsibility for ensuring that the process leading to completion of the TC&WM EIS and issuance of a Record of Decision is adequately performed in compliance with NEPA and CEQ regulations. The Lead Agency identifies and coordinates with all necessary parties, provides its own expertise with regard to the proposed action and alternatives, and conducts independent technical reviews to ensure the final EIS meets all applicable NEPA requirements.

B. The Cooperating Agency, here EPA, participates in the EIS process to provide advice and technical assistance or expertise to the Lead Agency. EPA participates in this MOU as a Cooperating Agency under authority set forth in Section 1501.6 of CEQ's NEPA implementing regulations (40 C.F.R. §1501.6). Nothing in this agreement alters or affects EPA's independent review and comment responsibilities under Section 309 of the Clean Air Act.

IV. GENERAL DOE AND EPA RESPONSIBILITIES

DOE	EPA
A. Active and timely participation in all appropriate remaining phases of the process, consistent with the CEQ regulations concerning participation of cooperating agencies.	A. EPA anticipates active and timely participation in all appropriate remaining phases of the EIS process – as time, budget, and other resources allow, and consistent with the CEQ regulations concerning participation of cooperating agencies.
B. In instances involving questions as to the content, accuracy or relevance of any material (including issues, data, and analyses to the EIS), DOE will make the final determination on inclusion, deletion, or revision of the material. DOE has the final responsibility for ensuring compliance with requirements of NEPA in its preparation of the EIS.	B. EPA intends to review a preliminary final EIS and provide timely advice and technical assistance regarding content, accuracy, or relevance of those materials. Input is expected to focus primarily on issues in EPA's comment letter on the Draft TC& WM EIS and, as appropriate, on other areas where DOE has requested EPA's special expertise, as defined by CEQ in 40 CFR §1508.26.

2

MEMORANDUM OF UNDERSTANDING: THE U.S. DEPARTMENT OF ENERGY AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY – April 22, 2011 *(continued)*

C. Dispute Resolution • The Parties agree that they will strive to expeditiously and fairly resolve disagreements at the NEPA Document Manager Level. If such differences cannot be resolved at the NEPA Document Manager Level, the issues may be elevated within the ORP Office of Environment, Safety and Quality and if necessary the DOE HQ Office of NEPA Policy and Compliance. Each Party agrees to work professionally with the other to achieve closure on any issues arising during the process of preparing and processing the final EIS.	C. Dispute Resolution • The Parties agree that they will strive to expeditiously and fairly resolve disagreements at the Project Manager Level. If such differences cannot be resolved at the Project Manager Level, the issues may be elevated to the appropriate EPA Region 10 and/or Headquarters Office with responsibilities for NEPA compliance and the respective DOE counterpart offices for resolution. Each Party agrees to work professionally with the other to achieve closure on any issues arising during the process of preparing and processing the final EIS. In all cases, EPA retains the right to comment on any issues related to the final EIS, including those in disagreement with DOE.
• The Parties recognize that the essence of the NEPA process is to inform the decision-maker and the public of different points of view, should they exist, on technical matters. Thus, "agreeing to disagree" is one possible outcome. In such a situation, DOE and EPA plan to work together to ensure any differing positions are presented in the final EIS.	• The Parties recognize that the essence of the NEPA process is to inform the decision-maker and the public of different points of view, should they exist, on technical matters. Thus, "agreeing to disagree" is one possible outcome. In such a situation, DOE and EPA plan to work together to ensure any differing positions are presented in the final EIS.
D. Schedule meetings with appropriate lead time and notification to EPA project members. Provide EPA copies of meeting minutes as appropriate.	D. Designate at least two EPA representatives who are expected to routinely participate in the EIS project as project members. One EPA project member is expected to attend all relevant meetings, including project management meetings, briefings for management, and pertinent meetings with stakeholders and Tribal Nations. EPA project members plan to participate in meetings, as appropriate, to describe EPA's views about DOE's analyses in the EIS.

MEMORANDUM OF UNDERSTANDING: THE U.S. DEPARTMENT OF ENERGY AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY – April 22, 2011 *(continued)*

E. If decisions based on environmental analyses in the EIS indicate the need to consider future changes to existing legal agreements or permits in place at the Hanford Site, DOE will follow the established regulatory processes for such legal agreements or permits to submit potential changes.	E. EPA's responsibilities under this MOU are complete as of DOE's publication of the Final TC&WM EIS.
F. Information supporting EIS analyses may contain predecisional, deliberative process (under FOIA or OUO), non-public (Privacy Act) information, or proprietary data. As the Lead Agency responsible for the NEPA process, DOE will appropriately protect materials identified as "draft-predecisional" or "proprietary" or that is labeled with other restrictive legends. DOE will limit use and dissemination of these materials to employees involved in preparation of the EIS. "Employees" include EPA project members with appropriate security clearances. If DOE receives a request for public disclosure, DOE will make a determination in accordance with federal laws how to respond. DOE will expeditiously process appropriate security clearances for EPA EIS representatives. If necessary, in order to preserve DOE's deliberative process protections related to the final EIS, information may be made available to EPA for viewing at DOE facilities.	F. If faced with a request for any documents originating from DOE, EPA will act in accordance with the Freedom of Information Act, 5 U.S.C. § 552, and applicable regulations including, but not limited to, 40 CFR § 2.103(d).
G. DOE will notify EPA Point of Contacts of pertinent meetings or discussions related to the EIS with stakeholders, tribes, agencies, and others that relate to the EIS where EPA's participation would be appropriate.	G. EPA plans to notify the NEPA Document Manager of pertinent meetings or discussions with stakeholders, tribes, agencies, and others that relate to the EIS, where DOE's participation would be appropriate.

MEMORANDUM OF UNDERSTANDING: THE U.S. DEPARTMENT OF ENERGY AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY – April 22, 2011 *(continued)*

V. PROCEDURES

DOE	EPA
A. Accept and include in the final TC&WM EIS a "Foreword" that EPA will provide.	A. In accordance with a schedule that supports the production of the final EIS, EPA expects to provide a "Foreword," expressing EPA's views and perspectives, to be included in the final EIS. The Foreword will acknowledge EPA's role as a cooperating agency based on its special expertise as defined by CEQ regulations.
B. Issue (distribute) the final EIS to the public, and federal, state, and local agencies for review and comment using processes established by NEPA.	B. EPA intends to review and provide comments on the internal final draft of the final EIS.
C. Continue review of comments resulting from the public comment period on the Draft TC&WM EIS. Determine how the comments will be addressed after consulting with cooperating agencies where appropriate, and decide what changes to the TC&WM EIS are necessary. Determine how to address any issues or disagreements raised by EPA concerning DOE's responses and proposed changes to the EIS.	C. EPA plans to participate in discussions with DOE on comment responses and proposed changes to the EIS. EPA expects to provide advice and technical assistance as appropriate, and to notify DOE formally of any disagreements or issues concerning DOE's responses or proposed changes to the EIS.

VI. COMMENT AND ISSUE RESOLUTION PROCESS

DOE	EPA
A. Prepare preliminary responses to public comments concerning groundwater analyses and environmental justice. Make those preliminary responses available in draft form to EPA (including viewing at DOE facilities) with sufficient time for EPA's review and comment. Maintain a log of EPA's review comments and responses as part of the EIS Administrative Record.	A. Utilizing its national and regional special expertise and knowledge, EPA intends to assist DOE, as appropriate and as resources allow, in developing responses to EPA comments on the draft EIS. EPA expects to give input to DOE, allowing sufficient time for review, dialogue with DOE, and incorporation into the Comment Response Document. EPA may be asked to provide information or data on particular issues that are within its particular areas of expertise. EPA may

MEMORANDUM OF UNDERSTANDING: THE U.S. DEPARTMENT OF ENERGY AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY – April 22, 2011 *(continued)*

	also assemble and present the data or information with the assistance of experts retained by EPA.

VII. OTHER PROVISIONS

A. Nothing in this MOU shall require any of the Parties to assume any obligation or expend any sum for funds in excess of available, authorized appropriations or in any other way take action in violation of the Anti-Deficiency Act.

B. Conflict of Interest. The Parties agree not to utilize any individuals for purposes of EIS development or participation in EIS-related internal and pre-decisional discussions, including but not limited to groundwater modeling analysis, such as officials, employees, or third party contractors who may have a financial interest in the outcome of the EIS, per CEQ regulations (40 CFR §1506.5(c)) and relevant case law.

C. Management of Information. EPA acknowledges that all data and information provided by them may become part of DOE's official Administrative Record at the conclusion of the EIS process, except for data or information determined to be subject to protections under the FOIA, restricted by the Privacy Act, or subject to other legal restrictions or protections.

D. Coordination with contractors. The services of a lead independent EIS contractor and other Hanford Site contractors in a supporting role are being used by DOE for the preparation of the final EIS. For purposes of carrying out its responsibilities under this MOU, EPA may only communicate with the EIS contractor and the other Hanford Site contractors who are supplying data or information to support the EIS through the NEPA Document Manager as the designated Contracting Officer Technical Representative (COTR). Similarly, DOE may only communicate with EPA Contractors working on the EIS through the EPA Region 10 Manager for the Environmental Review and Sediment Management Unit.

VIII. EFFECT OF THIS MOU

A. The sole purpose of this MOU is to set out roles, responsibilities, and expectations of the Parties during DOE's preparation of the final TC&WM EIS.

B. No portion of this MOU creates, nor is it intended to create, any right or benefit, either procedural or substantive, enforceable by law or equity, as between the Parties or any third parties. This MOU does not direct or apply to any person outside of DOE and EPA.

MEMORANDUM OF UNDERSTANDING: THE U.S. DEPARTMENT OF ENERGY AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY – April 22, 2011 *(continued)*

VIII. ADMINISTRATION OF THE MOU

A. This MOU becomes effective upon signature by the authorized officials of DOE and EPA.

B. The Parties may modify this Cooperating Agency MOU by mutual written agreement.

C. If not terminated earlier, this MOU will terminate when the final TC&WM EIS notice of availability appears in the *Federal Register*. Any Party may end its participation in this MOU by providing written notice to the other Party. If terminated, the Parties may reinstate this MOU by mutual agreement if additional actions become necessary.

IX. POINTS OF CONTACT

Department of Energy (DOE):
Mary Beth Burandt
TC&WM EIS NEPA Document Manager
U.S. Department of Energy

EPA Region 10:
Theogene Mbabaliye
Environmental Review and Sediment Management Unit
1200 6th Avenue, Suite 900
Seattle, WA 98101

X. SIGNATURES

The parties to this MOU, through their duly authorized representatives, have executed this MOU on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU, as set forth herein.

Department of Energy

P. A. Harrington

Paul Harrington
Acting Assistant Manager
Office of Environmental, Safety and Quality

4/22/11
Date

U.S. Environmental Protection Agency, Region 10

Kate Kelly, Director
Office of Ecosystems, Tribal and Public Affairs

4/11/11
Date

7

C.1.3 Responses to U.S. Department of Energy Correspondence

To: Mr. James E. Rasmussen, U.S. Department of Energy
From: Mr. Mike Wilson, Washington State Department of Ecology
Date: November 27, 2002
Subject: Re: Letter to Michael A. Wilson from James E. Rasmussen, "Invitation to Participate as a Cooperating Agency in Development of the 'Tank Closure, Hanford Site, Richland, Washington, Environmental Impact Statement (EIS)'"

To: Mr. James E. Rasmussen, U.S. Department of Energy
From: Mr. Jeffery J. Lyon, Washington State Department of Ecology
Date: April 25, 2003
Subject: Re: Letter to Michael Wilson, Washington State Department of Ecology, from James E. Rasmussen, United States Department of Energy, 03-ED-045, "Memorandum of Understanding (MOU) for the Environmental Impact Statement (EIS)," dated March 25, 2002, with Attachment 03-ED-045 "Memorandum of Understanding for the Environmental Impact Statement"

To: Ms. Carol M. Borgstrom, U.S. Department of Energy
From: Mr. Richard B. Parkin, U.S. Environmental Protection Agency
Date: May 25, 2010
Subject: Re: Letter to Dennis L. McLerran from Carol M. Borgstrom, "Invitation to Participate as a Cooperating Agency in Development of the *Final Tank Closure and Waste Management Environmental Impact Statement (TC&WM EIS)*"

To: Ms. Tracy Mustin, U.S. Department of Energy
From: Ms. Jane A. Hedges, Washington State Department of Ecology
Date: July 18, 2012
Subject: Re: *Tank Closure and Waste Management Environmental Impact Statement*

WASHINGTON STATE DEPARTMENT OF ECOLOGY – November 27, 2002

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

November 27, 2002

Mr. James E. Rasmussen
Environmental Management Division
United States Department of Energy
P.O. Box 450, MSIN: H6-60
Richland, Washington 99352

Dear Mr. Rasmussen:

Re: Letter to Michael A. Wilson from James E. Rasmussen, "Invitation to Participate as a Cooperating Agency in Development of the Tank Closure, Hanford Site, Richland, Washington, Environmental Impact Statement (EIS)"

The Washington State Department of Ecology (Ecology) appreciates your invitation, and would like to accept the opportunity to participate as a cooperating agency in the development of the Tank Closure EIS. Ecology's acceptance will be contingent on the development of an agreeable Memorandum of Understanding (MOU) by December 15, 2002.

Our points of contact are Suzanne Dahl at (509) 736-5705 and Jeff Lyon at (509) 736-3098. Please feel free to contact us as appropriate.

Sincerely,

Mike Wilson
Manager
Nuclear Waste Program

JL:sdb

cc: Dave Bartus, EPA
Ellen Mattlin, USDOE
Mary Beth Burandt, USDOE/ORP
Woody Russell, USDOE/ORP
Todd Martin, HAB
Pat Sobotta, NPT
Russell Jim, YN
Ken Niles, OOE
Administrative Record

WASHINGTON STATE DEPARTMENT OF ECOLOGY – April 25, 2003

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
1315 W. 4th Avenue • Kennewick, Washington 99336-6018 • (509) 735-7581

April 25, 2003

Mr. James E. Rasmussen
Environmental Management Division
United States Department of Energy
P.O. Box 450, MSIN: H6-60
Richland, Washington 99352

Dear Mr. Rasmussen:

Re: Letter to Michael Wilson, Washington State Department of Ecology, from James E. Rasmussen, United States Department of Energy, 03-ED-045, "Memorandum of Understanding (MOU) for the Environmental Impact Statement (EIS)", dated March 25, 2002, with Attachment 03-ED-045 "Memorandum of Understanding for the Environmental Impact Statement"

The Washington State Department of Ecology (Ecology) appreciates the invitation and opportunity to participate as a cooperating agency for the Tank Waste Retrieval, Treatment, Disposal and Tank Closure EIS. Mr. Wilson has signed the Memorandum of Understanding (MOU), and we are returning it for your records.

If necessary, please feel free to contact me at (509) 736-3098, or Suzanne Dahl at (509) 736-5705. Thank you.

Sincerely,

Jeffery J. Lyon
Project Manager Tank Waste Storage
Nuclear Waste Program

JJL:nc
Enclosure

cc: See next page

WASHINGTON STATE DEPARTMENT OF ECOLOGY – April 25, 2003 *(continued)*

cc: Dave Bartus, EPA
Mary Ellen Mattlin, USDOE
Mary Beth Burandt, USDOE/ORP
Woody Russell, USDOR/ORP
Andy Stevens, USDOE/ORP
Deborah Williams, USDOE/ORP
Todd Martin, HAB
Rick Gay, CTUIR
Pat Sobotta, NPT
Russell Jim, YN
Ken Niles, Oregon Energy
Administrative Record

Attachment from Washington State Department of Ecology, April 25, 2003 – Memorandum of Understanding

Attachment
03-ED-045

Memorandum of Understanding
for the
Environmental Impact Statement

Attachment from Washington State Department of Ecology, April 25, 2003 – Memorandum of Understanding *(continued)*

MEMORANDUM OF UNDERSTANDING

BETWEEN

**UNITED STATES DEPARTMENT OF ENERGY,
OFFICE OF RIVER PROTECTION**

AND

WASHINGTON STATE DEPARTMENT OF ECOLOGY

I. INTRODUCTION

The U.S. Department of Energy, Office of River Protection (ORP) is proposing to retrieve, treat, immobilize, and dispose all Hanford Site tank wastes by 2028 and close all tank systems and tank farms by 2033. These proposed actions are subject to both the *National Environmental Policy Act of 1969* (NEPA) and the "Washington State Environmental Policy Act (SEPA)" which require consideration of potential environmental impacts in the decision making process.

It is appropriate that the State of Washington Department of Ecology (Ecology) and ORP cooperate in preparation of environmental documentation for actions that must fulfill requirements of both NEPA and SEPA. A cooperative effort will hopefully streamline the environmental impact review process and avoid duplication, delay, and extra costs as well as provide a superior product. Ecology and ORP agree to cooperate in preparation of environmental documentation to satisfy both NEPA and SEPA for actions in the Hanford tank farms determined to require an Environmental Impact Statement (EIS).

The EIS, fully named the Tank Waste Retrieval, Treatment, Disposal and Tank Closure EIS (hereafter referred to as the "Tank Closure EIS"), will be prepared to fulfill the EIS requirements of applicable Federal and state laws, executive orders, rules, and policies. In particular, it is intended to comply with requirements of NEPA and SEPA.

Ecology and ORP will cooperate to prepare a well integrated and edited Tank Closure EIS to encompass all ORP actions that are ready for environmental review and decision.

Ecology has clearly communicated elsewhere to ORP their concern that a Tank Closure EIS schedule which leads to a Record of Decision (ROD) in April 2004 is too short. Nothing in this Memorandum of Understanding (MOU) should be interpreted as Ecology's concurrence in the EIS schedule as of January 21, 2003, concurrence that the final EIS will satisfy NEPA, or concurrence that the final EIS will satisfy SEPA pursuant to Washington Administrative Code (WAC) 197-11-160.

1

Attachment from Washington State Department of Ecology, April 25, 2003 – Memorandum of Understanding *(continued)*

II. PURPOSE

The purpose of this MOU is to set out clearly the responsibilities of each agency in cooperative preparation of the Tank Closure EIS. The overall responsibility of ORP will be Lead Agency and the overall responsibility of Ecology will be Cooperating Agency. These terms shall have the meaning as defined in 40 CFR §1508.

III. ROLES AND RESPONSIBILITIES

A. "Lead Agency" means the party that will have final responsibility to ensure that the process leading to completion of a Final Tank Closure EIS and a ROD is adequately performed. The Lead Agency coordinates with all necessary parties, provides expertise and technical review, and meets all applicable NEPA requirements.

B. "Cooperating Agency" participates in the process closely to provide advice and assistance to the Lead Agency, particularly in matters relating to SEPA requirements and to regulatory impacts and requirements. The cooperating agency may also offer advice and assistance in other parts of the process as agreed with the Lead Agency.

C. "Process" means the joint process by which the Lead Agency will meet its NEPA obligations and the Cooperating Agency will meet its SEPA obligations.

IV. GENERAL ORP AND ECOLOGY RESPONSIBILITIES

ORP	ECOLOGY
A. Active and timely participation in all appropriate phases of the process.	A. Active and timely participation in all appropriate phases of the process.
B. Establish a time schedule for the process that meets both NEPA and SEPA requirements and allows review times for the agencies involved and effective citizen involvement.	B. Provide advice about SEPA requirements.
C. Provide for meetings with appropriate Federal, state, regional, and local agencies, and concerned groups for the purpose of increasing communication and receiving comments on EIS-related documents.	C. Provide advice and assistance.
D. Maintain jointly with Ecology an issues resolution list which reflects the items about which the two agencies are not yet agreed. Either agency may add items to the list but both must agree to delete an item. This information will be provided periodically to	D. Maintain jointly with ORP an issues resolution list that reflects the items about that the two agencies are not yet agreed. Either agency may add items to the list but both must agree to delete an item. This information will be provided periodically to stakeholders,

2

Attachment from Washington State Department of Ecology, April 25, 2003 – Memorandum of Understanding *(continued)*

ORP	ECOLOGY
stakeholders, Tribal Nations, and other interested groups or individuals.	Tribal Nations, and other interested groups or individuals. Ecology will post this on their "tank list serv".
E. Provide Ecology representatives with draft copies of relevant analyses, plans, schedules, issue papers, etc., in a timely manner. Adequate lead time normally is minimally five working days.	E. Provide ORP responses, advice, or assistance as appropriate.
F. In instances involving questions as to the content, accuracy or relevance of any material (including issues, data, and analyses), ORP will make the final determination on inclusion, deletion, or revision of the material. ORP will have responsibility for ensuring compliance with requirements of NEPA. ORP will attempt to produce an EIS that may be used by Ecology to satisfy SEPA.	F. Review drafts of data packages, EIS chapters, issue papers, public briefings and other such documents, and provide advice and assistance regarding content, accuracy or relevance of those materials. Notify ORP if there is concern about the EIS meeting SEPA requirements.
G. Ensure compliance with requirements of NEPA and Council on Environmental Quality regulations, as well as other Federal regulations and laws.	G. Not applicable.
H. Attempt to ensure compliance with requirements of SEPA and other Washington authorities as they relate to the Tank Closure EIS. As much as possible consolidate meetings, processes, and documents.	H. Consult closely with ORP to ensure that all SEPA and other state requirements are clear and known to ORP as they relate to the Tank Closure EIS. Offer advice and assistance regarding consolidation of meetings, processes, and documents.
I. Ensure that relevant environmental issues, reasonable alternatives, and environmental impacts are addressed in the EIS.	I. Provide advice and consultation to ORP about relevant environmental issues, alternatives, and environmental impacts as they are addressed in draft documents leading up to formal documents for public review.
J. Schedule meetings with appropriate lead time and notification to Ecology project members. Provide Ecology	J. Designate a least two Ecology representatives who will participate in the EIS project as project members.

3

Attachment from Washington State Department of Ecology, April 25, 2003 – Memorandum of Understanding *(continued)*

ORP	ECOLOGY
minutes and other papers relevant to those meetings.	At least one Ecology project member will attend all relevant meetings, including project management meetings, briefings for management, and meetings with stakeholders and Tribal Nations. Ecology project members will participate in meetings to offer Ecology positions on issues, relevant expertise, advice, and assistance.
K. Respond to challenges to decisions made in the final EIS.	K. Provide information and advice to ORP on responding to EIS challenges.
L. Continuing obligations under the *Hanford Federal Facility Agreement and Consent Order* (hereafter Tri-Party Agreement) remain unchanged by completion of the Tank Closure EIS. If decisions based on environmental analyses in the EIS indicate the consideration of Tri-Party Agreement changes, ORP will follow the Tri-Party Agreement process to submit potential changes.	L. If decisions based on environmental analyses in the EIS indicate the consideration of Tri-Party Agreement changes, Ecology will follow the Tri-Party Agreement process to evaluate the proposal.
M. Some information supporting EIS analyses may contain non-public information or proprietary data. ORP will appropriately protect materials identified as "draft" or "proprietary" or that is labeled with other restrictive legends. ORP will limit use and dissemination of these materials to employees involved in preparation of the EIS. "Employees" includes Ecology project members with appropriate security clearances. If ORP receives a request for public disclosure, ORP will cooperate with the Richland Operations Office to make a determination in accordance with Federal laws how to respond.	M. Ecology will comply with the public disclosure requirements of Chapter 42.17 RCW, which includes exemptions from disclosure for certain public records. Ecology will notify the ORP document manager of any request for public disclosure pursuant to RCW 42.17.330. In the event ORP determines that a document otherwise discloseable by Ecology under Chapter 42.17 RCW is not appropriate for public inspection, ORP may seek a protective order preventing disclosure of the document pursuant to RCW 42.17.330.

4

Attachment from Washington State Department of Ecology, April 25, 2003 – Memorandum of Understanding *(continued)*

V. PROCEDURES

ORP	ECOLOGY
A. Conduct public scoping meetings to receive comments on the proposed action and alternatives as described in the Notice of Intent.	A. Provide advice and assistance as requested by ORP.
B. Identify the primary issues and concerns arising from the scoping process including the public scoping meetings. Identify additional information acquired during the scoping process. Prepare a plan to address the issues and concerns in the draft EIS.	B. Provide advice and comment about the issues and concerns, and additional information, acquired in the scoping process, including public scoping meetings.
C. Write or rewrite sections, parts, or chapters of the EIS. Provide internal drafts to Ecology with adequate time for review and comment.	C. Review internal drafts of all sections, parts, or chapters of the EIS and offer comments or propose revisions.
D. Convene workshops as necessary or as requested with Ecology to review sections, parts, or chapters of the EIS and supporting analyses. Decide which comments and revisions should be reflected in the EIS.	D. Participate in workshops convened to review sections, parts, or chapters of the EIS and supporting analyses.
E. Issue (distribute) the draft EIS to the public, and Federal, state, and local agencies for review and comment using processes established by NEPA.	E. Ecology will review and provide comments.
F. Receive comments resulting from the public comment period. Determine how the comments will be addressed and decide which changes to the draft EIS are necessary.	F. Review the comments received and the changes to the draft EIS which ORP decides are necessary. Provide advice and assistance. Notify ORP formally of disagreements with the final EIS.
G. Publish as a part of the "Forward" in the final EIS a statement from Ecology which will contain its perspectives and positions on the development and content of the EIS.	G. Provide a statement to ORP in a timely manner that will be included in the "Forward" part of the EIS which states Ecology's perspectives and positions.

5

Attachment from Washington State Department of Ecology, April 25, 2003 – Memorandum of Understanding *(continued)*

ORP	ECOLOGY
H. Write the final EIS. File the final EIS with the U.S. Environmental Protection Agency. Make printed copies of the final EIS. Publish a Notice of Availability in the *Federal Register*. Distribute the final EIS to the public, and Federal, state, and local agencies	H. Review the final EIS and verify that Ecology comments on the draft EIS were adequately addressed. Determine if the final EIS can be adopted as a substitute for preparing the SEPA EIS. This adoption determination will be based on (1) whether SEPA requirements are met as laid out in WAC 197-11-600 and 197-11-630, (2) whether State comments on the draft EIS were adequately incorporated into the final EIS, or (3) whether the final EIS has not been found inadequate by a court, the Council on Environmental Quality, or by the U.S. Environmental Protection Agency. Ecology will issue its determination to adopt the EIS. In the event that substantial written requests are received to hold a public hearing on the adequacy of the EIS as a substitute for the SEPA EIS, and ORP does not hold a hearing, Ecology will hold its own hearing. If necessary Ecology reconsider its adoption in light of comments made at the public hearing.

6

Attachment from Washington State Department of Ecology, April 25, 2003 – Memorandum of Understanding *(continued)*

VI. COMMENT AND ISSUE RESOLUTION PROCESS

ORP	ECOLOGY
A. Prepare responses to public comments. Make those responses available in draft form to Ecology with sufficient time for review and comment. Maintain a log of formal review comments and responses.	A. Prepare input on responses relating to the "state only" (e.g., SEPA) issues and regulatory oversight. Give input to ORP with sufficient time for review, comment, and incorporation.
B. Receive policy, technical, and editorial comments on internal draft materials from Ecology reviewers. ORP will determine whether and how to reflect these comments in the EIS.	B. Provide policy, technical, and editorial comments on internal draft materials.

V. MODIFICATION AND TERMINATION

The parties may modify this MOU by mutual written agreement. Either party may terminate the MOU after 30 days written notice. During that period, both parties will try to resolve the disagreements.

If the MOU is terminated prior to completion of the NEPA process, both parties will have access to documentation, reports, analysis, and data developed for the EIS by either party.

This MOU will terminate when the final Tank Closure EIS is issued in the Federal Register. However, the parties may reinstate this MOU by mutual agreement if additional actions become necessary.

James E. Rasmussen, Director, Environmental Division,
Office of River Protection, U.S. Department of Energy

Michael A. Wilson, Program Manager, Nuclear Waste Program,
Washington State Department of Ecology

7

U.S. ENVIRONMENTAL PROTECTION AGENCY – May 25, 2010

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

MAY 2 5 2010

Carol M. Borgstrom
Director, Office of NEPA Policy and Compliance (GC-20)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-0103

Dear Ms. Borgstrom:

Thank you for your May 3, 2010 letter inviting the U.S. Environmental Protection Agency (EPA) to participate as a cooperating agency in the Department of Energy's preparation of the final Tank Closure and Waste Management Environmental Impact Statement. We are pleased to accept your offer to participate as a cooperating agency on this project. As a cooperating agency we will share EPA's perspectives and expertise in meetings and in document review as appropriate and as resources allow. In addition we will carry out our independent review responsibilities under the National Environmental Policy Act and comment authority under Section 309 of the Clean Air Act. We would like to work with you to develop a Memorandum of Understanding that describes roles and procedures in the near future.

We look forward to working with you on this project. If you have any questions or for further assistance, you may contact Theo Mbabaliye of my staff at (206)553-6322, or you may contact Christine Reichgott, Environmental Review and Sediment Management Unit Manager at (206)553-1601.

Sincerely,

Richard B. Parkin, Acting Director
Office of Ecosystems, Tribal and Public Affairs

cc: Dennis Faulk
EPA Region 10 Hanford Program Officer

JUN 0 3 2010

Printed on Recycled Paper

WASHINGTON STATE DEPARTMENT OF ECOLOGY – July 18, 2010

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
3100 Port of Benton Blvd • Richland, WA 99354 • (509) 372-7950

July 18, 2012 12-NWP-113

Ms. Tracy Mustin
Principal Deputy Assistant Secretary
Office of Environmental Management
United States Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Re: Tank Closure and Waste Management Environmental Impact Statement

Dear Deputy Assistant Mustin:

Thank you for various conversations with you and your staff about the Tank Closure and Waste Management Environmental Impact Statement (TC&WM EIS). The Department of Ecology (Ecology) appreciates the opportunity to express our concerns about the preferred alternative for supplemental tank waste treatment within the TC&WM EIS.

We conclude that the decision of the United States Department of Energy (USDOE) to omit a preferred supplemental treatment alternative from the TC&WM EIS leaves the EIS incomplete. We also conclude that omitting a preferred alternative is not supported by (and is contrary to) the analysis in the TC&WM EIS (which clearly supports a second low-activity waste alternative). It is also contrary to comments received on the draft TC&WM EIS.

As a cooperating agency on the TC&WM EIS, Ecology encourages USDOE to select a preferred alternative that includes a supplemental treatment decision. Ecology prefers an alternative that is similar to Alternative 2B, or at the very least, Alternative 2A.

Alternative 2B is consistent with the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement or TPA) and the *State of Washington vs. Steven Chu, Case 2:08-cv-05085-FVS* Consent Decree. Also, Alternative 2B does not extend the mission as far as Alternative 2A. Alternatives 2A and 2B both support the retrieval of waste from all the tanks, treatment of all that waste, and a defined end of mission.

WASHINGTON STATE DEPARTMENT OF ECOLOGY – July 18, 2012 *(continued)*

It is essential that USDOE publishes the Final TC&WM EIS in a timely manner.

- By October 31, 2014, USDOE must start developing the scope, schedule, and budget for a supplemental treatment facility and (if applicable) deliver a Supplemental Treatment Technologies Report as required under TPA milestone M-62-40.
- No later than April 30, 2015, USDOE and Ecology must make a supplemental treatment selection under TPA milestone M-62-45.
- This timing is tied to achieving the waste treatment end date in TPA milestone M-62-00. To meet that date, it is essential that additional LAW treatment capacity be available shortly after the Waste Treatment Plant becomes operational.

All of these dates were critical components of the settlement package that resolved the *Washington v. Chu* lawsuit. We believe USDOE's failure to identify a preferred alternative in the Final TC&WM EIS will jeopardize compliance with these dates.

We are concerned that by choosing vague language concerning supplemental treatment in the Final TC&WM EIS, USDOE is bringing into question its previous commitments about when and if all of the waste will be removed from single-shell tanks, and when and if all the tank waste will be treated. This puts in question the end of mission for tank waste treatment. Because such an undefined scenario was not analyzed in any of the alternatives in the TC &WM EIS, related impacts are not visible to decision makers or the public.

USDOE has invested eight years, $85 million, and all of Ecology's work providing cooperating agency review and consultation in this TC&WM EIS. Ecology expects that investment should result in a Final TC&WM EIS that supports making a supplemental treatment decision. We are especially concerned because the Draft TC&WM EIS identified no data gaps and gave no indication of USDOE's intent to delay a decision on supplemental treatment. Further, no analysis in the Preliminary Final TC&WM EIS reviewed by Ecology identified gaps in the supplemental treatment data, nor did the analysis support a delay in making a supplemental treatment decision. No public comment received on the draft TC &WM EIS encouraged USDOE to delay selecting a preferred alternative.

Enclosed is a summary of relevant history on issues related to Hanford tank waste treatment that support our request that the Final TC&WM EIS include a supplemental treatment preferred alternative. As you will see in the summary, there is a long history at Hanford associated with providing treatment of low-activity waste (LAW). Your office should consider this history before issuing the Final TC&WM EIS.

All alternatives in the TC&WM EIS have been extensively evaluated many times with the same results. The results are clear. USDOE should move forward to identify a preferred alternative now to support a supplemental treatment decision by 2015.

WASHINGTON STATE DEPARTMENT OF ECOLOGY – July 18, 2012 *(continued)*

If USDOE does not select a preferred alternative for supplemental tank waste treatment, we request that you:

1. Identify the data are you using to make this decision and where is it documented in the TC&WM EIS.
2. Identify any data gaps in the TC&WM EIS and how those gaps will be addressed in the future.
3. Identify additional data you are analyzing to aid you in making the decision.
4. Identify the National Environmental Policy Act (NEPA) documentation you will use to analyze and support supplemental waste treatment selection. Will it be an additional EIS? How will you reconcile the timing of future NEPA documentation and TPA supplemental treatment milestones?

Thank you for considering this request. Again, we ask that USDOE identify a preferred alternative (preferably Alternative 2B, or at the very least, Alternative 2A) now to provide for timely supplemental treatment.

If your or your staff want additional details or discussion of the enclosed summary, please contact Suzanne Dahl, of my staff, at 509-372-7892 or suzanne.dahl@ecy.wa.gov.

Sincerely,

Jane A. Hedges
Program Manager
Nuclear Waste Program

Enclosure
By email

cc electronic w/enc:
Dennis Faulk, EPA
Carol Borgstrom, USDOE-HQ
William Levitan, USDOE-HQ
Jeanie Loving, USDOE-HQ
Matthew Urie, USDOE- HQ
Mary Burandt, USDOE-ORP
Ken Niles, ODOE
Suzanne Dahl, Ecology

cc w/enc:
Stacey Charbonneau USDOE-ORP
Scott Samuelson, USDOE-ORP
Stuart Harris, CTUIR
Gabriel Bohnee, NPT
Russell Jim, YN
Susan Leckband, HAB
Administrative Record
Environmental Portal
USDOE-ORP Correspondence Control

Enclosure from Washington State Department of Ecology, July 18, 2012 – Summary

Enclosure
Letter 12-NPW-113
July 2012

Summary

This summary includes relevant history on issues related to Hanford tank waste treatment that should be considered before the Tank Closure and Waste Management Environmental Impact Statement (TC&WM EIS) decision is final.

- The 1996 *Tank Waste Remediation System EIS*, which Ecology co-authored with USDOE, resulted in a Record of Decision (ROD) that committed to some important actions, including:
  - Treating all of the tank waste.
  - Pretreating and separating the tank waste so that some of the high-level waste (HLW) tank waste can be disposed of in a near-surface landfill, while the remainder is disposed in a deep geologic repository.
  - Vitrifying the pretreated low- activity waste (LAW) portion prior to near-surface disposal and vitrifying the HLW portion for deep geologic disposal.
  - Removing all of the retrievable waste out of the tanks.

  As the Tank Waste Remediation System EIS ROD will be superseded by the TC&WM EIS ROD, it is important to Washington State that we do not lose USDOE's commitments to these actions.

- In 1997, the Nuclear Regulatory Commission (NRC) issued a determination that a portion of Hanford tank waste could be considered waste incidental to reprocessing and, therefore, could be disposed of in near-surface landfill. The tank waste treatment system for 177 tanks included:
  1. Solids leaching, complexant destruction, liquid-solids separation, and cesium ion exchange to separate tank wastes into HLW and incidental waste fractions.
  2. Vitrification (glass) for treatment and disposal of the incidental waste fraction.

  The NRC stated that the determination of the proposed LAW fraction as incidental waste is a provisional agreement. If the Hanford tank waste is not managed using a program comparable to the technical basis analyzed in the reference letter, NRC must revisit the waste determination (Paperiello, 1997, NRC to J. Kinzer, USDOE). Changing the methods of pretreatment, the near-surface disposal location, or the form of treatment for LAW from vitrification to something new would invalidate the incidental waste determination, and a new analysis would be necessary.

- Between 2003 and 2006, Washington State agreed to allow USDOE to consider alternative supplemental treatment approaches as long as they performed "as good as glass." USDOE stated that its goal was to identify alternative approaches that were faster and cheaper and still performed just as well as glass. This effort examined many different technologies; however, in the end no viable approaches were identified.

Enclosure from Washington State Department of Ecology, July 18, 2012 – Summary *(continued)*

Enclosure
Letter 12-NPW-113
July 2012

- In the Settlement Agreement (State of Washington vs. Steven Chu, Case 2:08-cv-05085-FVS, October 25, 2010), we agreed to:
  - A delay in the end of tank waste treatment from 2028 to no later than 2047.
  - A delay in final waste removal from single-shell tanks from 2018 to no later than 2040.
  - A schedule for supplemental treatment to be online by 2022.

  Washington State believes we agreed in negotiations that supplemental treatment would be some form of vitrification.

Grout Options

Washington State is particularly concerned with the recent re-emergence of cast stone or grout as the favored choice for treating LAW. Because this re-emergence coincides with the vague change in language about the preferred alternative for supplemental treatment in the TC&WM EIS, Ecology would like to recap the important history of grouting tank waste at Hanford.

For the past two decades, the citizens of the Northwest have vigorously opposed grouting LAW. Their concerns included waste performance and the increased waste volume (twice as much as LAW glass) that would create increased disposal needs and associated costs.

Waste Performance:

- The Hanford Waste Task Force, a stakeholder advisory group, concluded that "Grout doesn't adequately protect public, workers, and environment" and that "Reduction of waste volume was an issue for grout" because grout increases final waste form volume significantly. (*Final Report of the Hanford Waste Task Force, Appendix F,* 1993.)
- USDOE's 1995 performance assessment resulted in identification of three constituents that would ultimately violate drinking water standards if grout is used. The three constituents (nitrate, iodine-129, and technetium-99) violated drinking water standards before and after the 10,000-year timeframe. (*Performance Assessment of Grouted Double Shell Tank Waste Disposal at Hanford,* 1995, WHC-SD-WM-EE-004 Rev. 1.)
- The 2003-2006 Supplemental Treatment down select showed that cast stone would not be appropriate for LAW because it would significantly impact the groundwater above drinking water standards and would not be as "good as glass." Roy Schepens defined the term "as good as glass" in his letter to Mike Wilson, Ecology, (June 12, 2003).

  > "The waste form resulting from treatment must meet the same qualifications of those imposed for the expected glass form produced by the Waste Treatment Plant (WTP). We expect all waste forms produced from any supplemental technology to: (1) perform over the specified time period as well as, or better than WTP vitrified waste; (2) be equally protective of the environment as WTP glass; (3) meet LDR [land disposal restrictions] requirements for hazardous waste constituents; (4) meet or exceed all appropriate performance requirements for glass, including those identified in the WTP contract, Immobilized Low Activity Waste (ILAW) Interface Control Documents, and ILAW Performance Assessment."

Enclosure from Washington State Department of Ecology, July 18, 2012 – Summary *(continued)*

Enclosure
Letter 12-NPW-113
July 2012

- The 2009 Draft and 2011 Preliminary Final TC&WM EIS indicated that the environmental performance of grout would not meet required standards and that grout actually performed the worst of all the supplemental treatment options considered.
- In 2012, the NRC issued a report, *Technical Evaluation Report for the Revised Performance Assessment for the Saltstone Disposal Facility at the Savannah River Site, South Carolina*, exposing issues related to long-term performance of the resulting waste form.

Cost Estimates:

- In the mid-1990s, recognizing the broad-based public concern about grout and the potential for LAW vitrification at costs that appeared similar to those for grout on a grand scale, Washington State opted for vitrification when negotiating a new set of milestones for tank waste treatment. In return, Washington State agreed to USDOE's desire to delay construction of the Hanford Waste Vitrification Plant for technical and budgetary reasons.
- USDOE's 2003 Assessment *of Low-Activity Waste (LAW) Treatment and Disposal Scenarios for the River Protection Project (RPP)* report did not show a favorable grout cost estimate.
- USDOE's 2007 *Hanford River Protection Project Low Activity Waste Treatment: A Business Case Evaluation* examined the cost and viability of implementing cast stone, bulk vitrification, and steam reforming. The report stated that "Cost differences between Business Cases 2 through 7 are unlikely to be the major factor in selecting a supplemental LAW technology."

  In the report, all the technologies were cost neutral when compared to each other and LAW glass. The report went on to comment on the added time and cost that would be required to bring the supplemental technologies up to the Technology Readiness Level of LAW glass.
- The 2009 Draft and 2011 Preliminary TC&WM EIS, which have gone through extensive USDOE and external review, indicate that the costs are relatively equivalent for LAW glass approach versus a LAW grout approach.
- In addition, the cost of the grout treatment facility at Savannah River Site has doubled from original estimate. (*Weapons Complex Monitor*, Volume 23, No.17, April 2012.)

C.2 FEDERAL AND STATE ORGANIZATIONS CONTACTED DURING THE CONSULTATION PROCESS

C.2.1 Ecological Resources

The following are copies of the correspondence from DOE to the Federal and state organizations regarding ecological resources, as discussed in Chapter 8 of this *Final TC & WM EIS*. Copies of attachments that were provided in the *Draft TC & WM EIS* are provided only once in this *Final TC & WM EIS*. Below is a list of these letters.

To: Mr. Mark Miller, U.S. Fish and Wildlife Service
From: Ms. Mary Beth Burandt, U.S. Department of Energy
Date: June 16, 2003
Subject: "Environmental Impact Statement (EIS) for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks (SST) at the Hanford Site, Richland, Washington"

To: Mr. Dennis Carlson, National Oceanic and Atmospheric Administration
From: Ms. Mary Beth Burandt, U.S. Department of Energy
Date: June 16, 2003
Subject: "Environmental Impact Statement (EIS) for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks (SST) at the Hanford Site, Richland, Washington"

To: Mr. Jeff Tayer, Washington State Department of Fish and Wildlife
From: Ms. Mary Beth Burandt, U.S. Department of Energy
Date: June 16, 2003
Subject: "Environmental Impact Statement (EIS) for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks (SST) at the Hanford Site, Richland, Washington"

To: Ms. Sandy Swope Moody, Washington State Department of Natural Resources
From: Ms. Mary Beth Burandt, U.S. Department of Energy
Date: June 16, 2003
Subject: "Environmental Impact Statement (EIS) for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks (SST) at the Hanford Site, Richland, Washington"

To: Mr. Mark Miller, U.S. Fish and Wildlife Service
From: Mr. William J. Taylor, U.S. Department of Energy
Date: June 12, 2008
Subject: *Tank Closure and Waste Management (TC & WM) Environmental Impact Statement (EIS) for the Hanford Site, Richland, Washington*

To: Mr. Dennis Carlson, National Oceanic and Atmospheric Administration
From: Mr. William J. Taylor, U.S. Department of Energy
Date: June 12, 2008
Subject: *Tank Closure and Waste Management (TC & WM) Environmental Impact Statement (EIS) for the Hanford Site, Richland, Washington*

To: Mr. Jeff Tayer, Washington State Department of Fish and Wildlife
From: Mr. William J. Taylor, U.S. Department of Energy
Date: June 12, 2008
Subject: *Tank Closure and Waste Management (TC & WM) Environmental Impact Statement (EIS) for the Hanford Site, Richland, Washington*

To: Ms. Sandy Swope Moody, Washington State Department of Natural Resources
From: Mr. William J. Taylor, U.S. Department of Energy
Date: June 12, 2008
Subject: *Tank Closure and Waste Management (TC & WM) Environmental Impact Statement (EIS) for the Hanford Site, Richland, Washington*

U.S. FISH AND WILDLIFE SERVICE – June 16, 2003

U.S. Department of Energy
Office of River Protection
P.O. Box 450
Richland, Washington 99352

03-ED-096

JUN 16 2003

Mr. Mark Miller, Supervisor Central Washington
Ecological Services Office
U.S. Fish and Wildlife Service
215 Melody Lane, Suite 119
Wenatchee, Washington 98801

Dear Mr. Miller:

ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR RETRIEVAL, TREATMENT, AND DISPOSAL OF TANK WASTE AND CLOSURE OF SINGLE-SHELL TANKS (SST) AT THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing an EIS for the retrieval, treatment, and disposal of tank waste and closure of the SST at the Hanford Site near Richland, Washington. The EIS will also address the closure of the 149 SST and associated facilities in the tank farms. The Tanks contain both hazardous and radioactive waste. The tank farms and proposed treatment and storage facilities are located within the 200 West Area and 200 East Area. Attachment 1 shows the location of the 200 Areas, including the potential location of supplemental technology treatment facilities. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In compliance with the Endangered Species Act, the EIS will contain an analysis of the proposed action as it relates to listed and proposed, threatened and endangered species. In support of the preparation of this EIS, ORP requests the U.S. Fish and Wildlife Service to provide a current list of species that may be affected by the proposed action.

If you have any questions, please contact me, (509) 373-9160.

Sincerely,

Mary E. Burandt

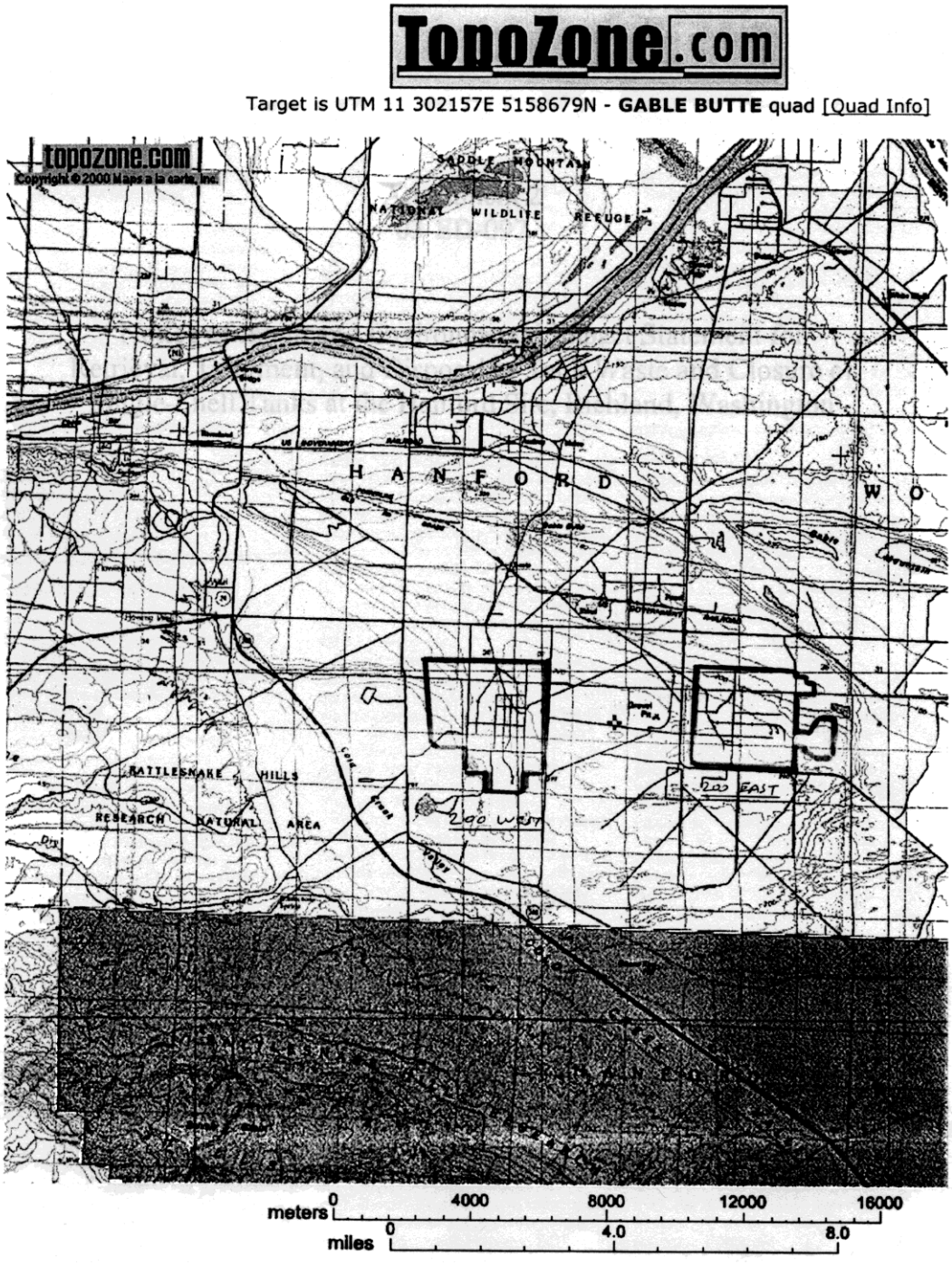
Mary E. Burandt
NEPA Document Manager

ED:MEB

Attachments: (2)

cc w/attachs:
P. F. X. Dunigan, Jr., RL
D. C. Ward, RL
G. Hughes, USFWS
Administrative Record (w/attach)

Attachment 1 to U.S. Fish and Wildlife Service, June 16, 2003 – Topographic Map



Attachment 2 to U.S. Fish and Wildlife Service, June 16, 2003 – Notice of Intent

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Dated: January 6, 2003.

Rod Paige,

Secretary of Education.

[FR Doc. 03–386 Filed 1–7–03; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) intends to prepare an environmental impact statement (EIS) on the proposed retrieval, treatment, and disposal of the waste being managed in the high-level waste (HLW) tank farms at the Hanford Site near Richland, Washington, and closure of the 149 single-shell tanks (SSTs) and associated facilities in the HLW tank farms. The HLW tanks contain both hazardous and radioactive waste (mixed waste).

This EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations (40 CFR parts 1500–1508 and 10 CFR part 1021). DOE's proposed action is to remove waste from the tanks to the extent that retrieval is technically and economically feasible, treat the waste through vitrification in the planned Waste Treatment Plant (WTP) and/or one of several other treatment processes such as bulk vitrification, grout, steam reforming and sulfate removal, depending on waste type and waste characteristics. DOE proposes to package the waste for offsite shipment and disposal or onsite disposal. The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access.

The 149 underground SSTs and 28 underground double-shell tanks (DSTs) are grouped in 18 tank farms that are regulated under the Resource Conservation and Recovery Act of 1976 (RCRA) as treatment, storage, and disposal units that, for closure purposes, include tanks, associated ancillary equipment, and contaminated soils. DOE proposes to close the tanks in accordance with the Hanford Federal Facility Agreement and Consent Order (also known as the Tri-Party Agreement or TPA). DOE invites public comments on the proposed scope of this EIS.

DATES: The public scoping period begins with the publication of this Notice and concludes March 10, 2003. DOE invites Federal agencies, Native American tribes, State and local governments, and members of the public to comment on the scope of this EIS. DOE will consider fully all comments received by the close of the scoping period and will consider comments received after that date to the extent practicable.

Public meetings will be held during the scoping period. Meetings will be held in Seattle and Richland, Washington and in Portland and Hood River, Oregon on the following dates.

Richland: February 5, 2003.
Hood River: February 18, 2003.
Portland: February 19, 2003.
Seattle: February 20, 2003.

At least 15 days prior to the meetings, DOE will notify the public of the meeting locations and times and will provide additional information about each meeting through press releases, advertisements, mailings and other methods of encouraging public participation in the NEPA process. At these scoping meetings, DOE will provide information about the tank waste program and alternatives for retrieving, treating, and disposing of the waste, along with alternatives for closing the SSTs. The meetings will provide opportunities to comment orally or in writing on the EIS scope, including the alternatives and issues that DOE should consider in the EIS.

ADDRESSES: DOE invites public comment on the proposed scope of this EIS. Comments may be submitted by mail, electronic mail, fax, or voice mail and addressed as follows: Mary Beth Burandt, Document Manager, DOE Office of River Protection, U.S. Department of Energy, Post Office Box 450, Mail Stop H6–60, Richland, Washington, 99352, Attention: Tank Retrieval and Closure EIS, Electronic mail: *Mary_E_Burandt@rl.gov,* Fax: (509) 376–2002, Telephone and voice mail: (509) 373–9160.

FOR FURTHER INFORMATION CONTACT: To request information about this EIS and the public scoping workshops or to be placed on the EIS distribution list, use any of the methods identified in **ADDRESSES** above. For general information about the DOE NEPA process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC, 20585–0119, Fax: (202) 586–7031, Telephone: (202) 586–4600, Voice mail: (800) 472–2756.

SUPPLEMENTARY INFORMATION

Background

The Hanford Site defense activities related to nuclear weapons production created a wide variety of waste. Over 50 million gallons of waste are presently stored in the HLW tank farms, which are located in the 200 Area of the Site. The waste is stored in 149 underground SSTs (ranging in capacity from approximately 55,000 to 1 million gallons) and 28 underground DSTs (ranging in capacity from approximately one to 1.16 million gallons) grouped in 18 tank farms, and approximately 60 smaller miscellaneous underground storage tanks. This waste has been processed and transferred between tanks, and as a result, the chemical, physical (*i.e.*, liquid, solid and sludge) and radiological characteristics of the waste vary greatly among and within individual tanks. In addition, the tank waste contains chemicals or has characteristics classified as hazardous waste under RCRA regulations (40 CFR Parts 260–268 and Parts 270–272) and as dangerous waste under the Washington Administrative Code "Dangerous Waste Regulations" (WAC 173–303).

In 1996, DOE issued the Tank Waste Remediation System (TWRS) EIS (DOE/EIS–0189), which included analyses of alternatives for retrieving and treating (*e.g.*, immobilizing) the waste stored in the tank farms. Because sufficient data were not available to evaluate a range of closure actions, tank system closure alternatives were not evaluated in the TWRS EIS. Among the uncertainties were data regarding past leak losses from the SSTs and how retrieval technology would perform to meet retrieval objectives.

In 1997, DOE issued its Record of Decision (ROD, 62 FR 8693, February

Attachment 2 to U.S. Fish and Wildlife Service, June 16, 2003 – Notice of Intent *(continued)*

26) in which DOE decided that it would proceed with tank waste retrieval and treatment. In the ROD and subsequent supplemental analyses, DOE acknowledged that there were substantial technical uncertainties that required resolution. Nevertheless, to make progress while resolving the technical uncertainties, DOE decided to implement waste treatment using a phased approach as identified in the TWRS ROD. During the initial phase (Phase I), DOE planned to design, construct and operate demonstration-scale waste treatment facilities. Following the demonstration phase, DOE would construct full-scale facilities to treat the remaining tank waste (Phase II).

DOE's decision in the TWRS ROD was consistent with modifications to the Tri-Party Agreement contained in the M–62, ''Complete Pretreatment, Processing and Vitrification of Hanford High-level (HLW) and Low-activity (LAW) Tank Wastes'' series of milestones. Accordingly, DOE proceeded with plans to design, construct, and operate facilities that would separate waste into high-level and low-activity waste streams, vitrify the high-level waste stream and vitrify or similarly immobilize the LAW stream. These facilities are now under construction and are collectively referred to as the ''Waste Treatment Plant'' or WTP.

DOE's strategy for retrieving, treating and disposing of the tank waste and closing the tank farms has continued to evolve, based on information becoming available since the TWRS ROD was issued. New information and proposed changes to DOE's strategy include the following:

- Design of and preliminary performance projections for the WTP support DOE's proposal to extend operations beyond the original plan to operate the WTP for a ten-year period and to enhance throughput compared to facilities planned for in the 1997 ROD.
- New information indicates that deployment of large-scale treatment facilities in approximately 2012 to immobilize waste not processed by the WTP currently under construction, as identified in the TWRS ROD, may be prohibitively expensive (DOE/EIS–0189–SA–3).
- Under DOE Order 435.1 (Radioactive Waste Management), as applicable, DOE may determine that some tank wastes should be managed as low-level waste (LLW) and transuranic (TRU) waste, which may result in changes in how DOE may treat and dispose of portions of the SST and DST wastes from the HLW tank farms.
- DOE wants to consider non-vitrification treatment technologies for LAW and LLW, if these wastes could be immobilized and disposed of onsite or offsite, while providing protection to the human environment comparable to LAW and LLW immobilized by vitrification.

In developing its Performance Management Plan for the Accelerated Cleanup of the Hanford Site (PMP, DOE/RL–2000–47, August 2002), DOE stated its intent to meet its commitments under the Tri-Party Agreement, and identified its plan to complete tank waste retrieval, treatment and disposal by 2028, and to close all of the tanks and associated facilities, including the WTP, by 2033. DOE's current plans call for closing all of the SSTs by 2028.

DOE stated in the PMP that to achieve these objectives, increased capacity will be needed for the WTP, along with additional treatment capacity provided by other waste immobilization technologies, referred to herein as ''supplemental'' technologies (bulk vitrification, containerized grout, steam reforming, or sulfate removal are examples). Also in the PMP and in the Supplement Analysis for the Tank Waste Remediation System (DOE/EIS–0189–SA3, 2001), DOE concluded that its evolving strategy for treating and disposing of the tank wastes by 2028 and closing the SSTs by 2028 requires NEPA analysis of proposed tank waste retrieval, treatment and disposal, and proposed tank closure actions.

Further, under the TPA Milestone M–45, ''Complete Closure of All Single-Shell Tank (SST) Farms,'' DOE and the Washington State Department of Ecology (Ecology) have identified a process to start discussing how SST closure would occur. An important part of the process DOE and Ecology have defined for closing tank systems is compliance with Washington State Dangerous Waste regulations that require approval of a closure plan and modification of the Hanford Site Dangerous Waste Permit. Before Ecology can approve either a closure plan or modification of DOE's permit, the State of Washington must fulfill its State Environmental Policy Act (SEPA) requirements. As SEPA is very similar to NEPA, Ecology can adopt a NEPA document if it determines that the document is sufficient to meet SEPA requirements. Ecology has agreed to be a cooperating agency in preparing this EIS.

Need for Action

To meet its commitments under the Tri-Party Agreement and implement its plans to close the tank systems and associated facilities in a timely manner to reduce existing and potential future risk to the public, site workers, and the environment, DOE needs to complete waste retrieval, treatment and disposal of the waste from the SST and DST systems by 2028 and close all SST systems by 2028.

Although DOE is addressing safety and environmental issues posed by tank wastes to minimize current potential risks to human health and the environment, DOE must also implement long-term actions to safely manage and dispose of waste from the tank waste systems, including waste associated with inactive miscellaneous underground storage tanks, and close the SST systems to reduce permanently the potential risk to human health and the environment. These long-term actions also are needed to ensure compliance with applicable Federal requirements regulating the management and disposal of radioactive waste, as well as Federal and Washington State requirements regulating hazardous and mixed waste.

Proposed Action

DOE proposes to retrieve waste from the 149 SST and 28 DST systems and close the SST tank farms in a manner that complies with Federal and Washington State requirements and protects the human environment. (Closure of the DSTs and closure of the WTP are not part of the proposed action because they are active facilities needed to complete waste treatment. Closure of the DSTs and WTP would be addressed at a later date, after appropriate NEPA analysis.) DOE proposes to immobilize the retrieved waste in the WTP and through supplemental treatment technologies such as bulk vitrification, grout, steam reforming and sulfate removal, and to package the immobilized waste for offsite shipment and disposal in licensed and/or permitted facilities or disposal onsite. DOE proposes to close the SST farms (including tanks, ancillary equipment and soils) within the tank farm area by 2028. The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Associated support buildings, structures, laboratories, and the treatment facilities would be decontaminated and decommissioned in a cost-effective, legally compliant, and environmentally sound manner. Under the proposed action, DOE would use existing, modified, or, if required, new systems to assure capability to store and manage waste during retrieval and treatment.

Attachment 2 to U.S. Fish and Wildlife Service, June 16, 2003 – Notice of Intent *(continued)*

Background on Development of Alternatives

The proposed action could result in changes to DOE's tank waste management program with respect to waste storage, waste retrieval, waste treatment, waste disposal, and tank farm closure at the Hanford Site. These key variables were evaluated to develop the range of reasonable alternatives identified below. In terms of waste storage, the EIS would analyze the use of the existing waste storage systems and evaluate the need for new storage systems. With regard to waste retrieval, DOE would evaluate a range of timing of retrieval and the technologies used, from past-practice sluicing as analyzed in the TWRS EIS to dry retrieval. Treatment and disposal alternatives for portions of the SST and DST waste would be evaluated based on some volume of the waste being classified as LLW or TRU waste pursuant to DOE Order 435.1. The waste identified as LLW could be treated and packaged for onsite or offsite disposal. The waste identified as TRU waste could be treated and packaged for transport and disposal at the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico.

Unless a specific alternative identifies a waste type as LLW and/or TRU waste, the waste would be analyzed as HLW or LAW for the purposes of treatment and disposal. The alternatives for waste treatment include: 1) Treating all wastes via an enhanced WTP as vitrified waste; 2) treating HLW via the WTP and LAW via WTP or supplemental treatments; or 3) treating the waste as stated in #2 and/or supplemental treatment for LLW and TRU waste in the tank farms, in which case some waste would not be processed through the WTP. The options for waste disposal include disposing of the waste onsite using existing or new facilities, disposing of the waste at offsite government facilities (*e.g.*, a geological repository, WIPP, DOE's Nevada Test Site) or using onsite and offsite commercial facilities (such as Envirocare in Utah) for disposal of Hanford waste. Alternatives for tank closure would be evaluated based on broad closure strategies including clean closure (removal of the tanks, ancillary facilities, and contaminated soils) and landfill closure (residual waste left in place and post closure care).

Proposed Alternatives

Each of the six alternatives contains a waste storage, retrieval, treatment and disposal component. Alternatives 3 through 6 also include a tank closure component. The main differences among the alternatives include the extent of waste retrieval, the waste treatment and disposal approach, the tank closure approach, and timing to complete the necessary activities.

1. No Action

The Council on Environmental Quality NEPA Regulations (40 CFR parts 1500–1508), and the DOE NEPA Regulations (10 CFR part 1021) require analysis of a No Action alternative.

Storage: DOE would continue current waste management operations using existing storage facilities. Immobilized (*i.e.*, vitrified) High-level Waste (IHLW) would be stored onsite pending disposal at a geologic repository. Once WTP operations are completed, all tank waste system storage (SSTs and DSTs), treatment, and disposal facilities at the Hanford Site would be placed in a stand-by operational condition.

Retrieval: Waste would be retrieved to the extent required to provide waste feed to the WTP using currently available liquid-based retrieval and leak detection technologies (approximately 25–50% of the total waste volume would be retrieved).

Treatment: No new vitrification or treatment capacity beyond that anticipated in the WTP would be deployed. However, the WTP would be modified within parameters provided for in the TWRS ROD to increase throughput. The WTP would continue to operate until its design life ends in 2046.

Disposal: The residual waste in tanks and the waste remaining in tanks that had not been retrieved (approximately 50 to 75% of the total waste volume) would remain in the tank farm indefinitely. Immobilized Low Activity Waste (ILAW) (by vitrification) would be disposed of onsite. IHLW would be stored onsite pending disposal at a geological repository. For purposes of analysis, administrative control of the tank farms would end following a 100-year period.

Closure: Tank closure would not be addressed; under this alternative, some waste would be left in the tanks indefinitely.

2. Implement the 1997 Record of Decision (With Modifications)

This alternative would continue implementation of decisions made in the TWRS ROD and as considered in three supplement analyses completed through 2001. (*See* "RELATED NEPA DECISIONS AND DOCUMENTS" below for references.) Under these supplement analyses, DOE concluded that changes in the design and operation of the WTP, as defined in its contracts and program plans, were within the bounds of analysis of environmental impacts in the TWRS EIS. Among the key modifications that would occur under this alternative are: (1) Implementing the initial phase of waste treatment with one ILAW facility rather than two, (2) expanding the design capacity of the ILAW facility from 20 metric tons of glass per day to 30 metric tons of glass per day, and (3) extending the design life of the Phase I facilities from 10 years to 40 years. Under this alternative, no new actions would be taken beyond those previously described in the TWRS ROD and supplement analyses regarding the tank waste.

Storage: DOE would continue current waste management operations using existing storage facilities as described under No Action.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which would correspond to 99% retrieval) using currently available liquid-based retrieval and leak detection systems.

Treatment: The existing WTP would be modified to enhance throughput and supplemented with additional vitrification capacity, as needed, to complete waste treatment by 2028. Under this alternative, all waste retrieved from tanks (approximately 99%) would be vitrified.

Disposal: Retrieved and treated waste would be disposed of onsite (ILAW) or stored onsite pending disposal at a geologic repository (IHLW). Once operations are completed, all tank waste system waste storage, treatment, and disposal facilities at the Hanford Site would be placed in a stand-by operational condition. The residual waste would remain in the tank farm indefinitely. For purposes of analysis, DOE assumes under this alternative that it would cease to maintain administrative control after a 100-year period.

Closure: Tank closure would not be addressed under this alternative. Some waste would be left in the tanks indefinitely.

3.0 Landfill Closure of Tank Farms/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which would correspond to 99% retrieval) using currently available liquid-based retrieval and leak detection systems.

Attachment 2 to U.S. Fish and Wildlife Service, June 16, 2003 – Notice of Intent *(continued)*

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems (*e.g.*, modifications to melters to increase throughput). WTP capacity would be supplemented with additional waste treatment capacity to immobilize LAW using a non-vitrification technology. New non-vitrification supplemental treatment capacity would be developed external to the WTP to immobilize a portion of the tank waste that would be designated as LLW pursuant to DOE Order 435.1 and/or prepare a portion of the tank waste that would be designated as TRU waste for disposal. Waste treatment under this alternative would be completed in 2028 and all SST tank systems would be closed by 2028.

Disposal: ILAW immobilized via the WTP would be disposed of onsite or at offsite commercial (*e.g.*, U.S. Ecology of Washington or Envirocare of Utah) or DOE facilities (Nevada Test Site). IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities. TRU waste would be packaged and stored onsite in an existing or new facility pending disposal at the Waste Isolation Pilot Plant (WIPP).

Closure: As operations are completed, SST waste system, waste storage, treatment and disposal facilities at the Hanford Site would be closed as a RCRA landfill unit under Dangerous Waste Regulations under WAC 173–303 and DOE Order 435.1, as applicable, or decommissioned (waste treatment facilities under DOE Order 430.1A). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Tanks, ancillary equipment, and contaminated soils would be remediated and remain in place and the closed tank systems would be covered with an engineered barrier that exceeds RCRA landfill requirements and is the more protective of the landfill options being evaluated (*i.e.*, Hanford barrier).

The main differences between this alternative and other alternatives involve: 1) Using a more robust barrier for closure of tank systems that would provide longer term protection from contaminant releases from closed tank systems and limit intrusion into the closed system compared to the barrier evaluated under Alternatives 5 and 6 (tanks would not be closed under Alternatives 1 and 2, thus no barriers would be used); and 2) Treatment and disposal of treated waste would be the same for Alternatives 3 through 5 allowing for a comparison of the impacts associated with deployment of systems to treat and dispose of transuranic waste (Alternatives 3 through 5) to treatment of waste via the WTP and subsequent management as ILAW and IHLW (Alternatives 2 and 6).

4.0 Clean Closure of Tank Farms/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified, as needed, to support minimizing liquid losses from SSTs and accelerating SST waste retrieval into safer storage pending retrieval for treatment.

Retrieval: Waste would be retrieved using multiple waste retrieval campaigns using various retrieval technologies (*e.g.*, confined sluicing, crawlers), to the extent needed to support clean closure requirements (*i.e.*, 0.1% residual in the tanks or 99.9% waste retrieved from tanks) using liquid and non-liquid retrieval and enhanced in-tank and/or ex-tank leak detection systems.

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems (see Alternative 3). New alternative treatment capacity to immobilize LLW (*e.g.*, bulk vitrification, containerized grout, steam reforming, sulfate removal) and/or prepare TRU waste for disposition would be developed external to the WTP. Waste treatment under this alternative would be completed in 2028 and all SST tank systems would be closed by 2028.

Disposal: LAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities (see Alternative 3). IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities (See Alternative 3). TRU waste would be retrieved from tanks, packaged in a new facility, and stored onsite in existing or new storage facilities pending shipment to and disposal at the WIPP.

Closure: Clean closure reflects minimal residual waste in tanks and ancillary equipment, and contaminated soils remediated in place and/or removed from the tank system to be treated and disposed of in accordance with RCRA requirements. As operations are completed, all SST system storage, treatment, and disposal facilities at the Hanford Site would be closed. Waste storage and disposal facilities would be closed in a manner that supported future use on an unrestricted basis and that did not require post-closure care.

The main differences between this alternative and the other alternatives are: 1) The greatest amount of waste is retrieved from tanks based on multiple technology deployments; and 2) tank systems would be closed to meet clean closure standards. Treatment and disposal of treated waste would be the same for Alternatives 3 through 5, allowing a comparison of the impacts associated with deployment of systems to treat and dispose of TRU waste (Alternatives 3 through 5) to treatment of TRU waste via the waste treatment plant (Alternatives 2 and 6).

5.0 Accelerated Landfill Closure/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified or supplemented with new waste storage facilities, to support actions regarding near-term acceleration of tank waste retrieval and treatment. Under this alternative, some SSTs would be retrieved and closed by 2006, exceeding the existing TPA M–45 commitments.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal to the extent feasible using currently available liquid-based retrieval and leak detection systems (residual waste would correspond to 90–99% retrieval).

Treatment: Waste treatment would be completed no later than 2024 and SST systems would be closed by 2028. Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems, as described under Alternative 2. WTP capacity would be supplemented with new treatment capacity to immobilize LLW. New treatment capacity to immobilize LLW and/or prepare TRU waste for disposition would be developed external to the WTP.

Disposal: LAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities. IHLW would be stored onsite pending disposal at the proposed national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities. Transuranic waste would be packaged and stored onsite pending disposal at the WIPP.

Closure: As operations are completed, SST tank waste system waste storage, treatment, and disposal facilities would be closed as a RCRA landfill unit under Dangerous Waste Regulations under WAC 173–303 and DOE Order 435.1, or decommissioned (waste treatment

Attachment 2 to U.S. Fish and Wildlife Service, June 16, 2003 – Notice of Intent *(continued)*

facilities under DOE Order 430.1A). Waste storage and disposal facilities would be closed as RCRA landfill units under applicable state Dangerous Waste Regulations (WAC 173–303). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Tank systems (tanks, ancillary equipment, and soils) would be closed in place and would be covered with a modified RCRA barrier (*i.e.*, a barrier with performance characteristics that exceed RCRA requirements for disposal of hazardous waste).

The main difference between this alternative and the other alternatives are (1) completion of some SST closure actions by 2006, completion of all waste treatment by 2024, and closure of all SST systems by 2028 in contrast to Alternatives 2, 3 and 6, which would complete waste treatment in 2028 and SST tank systems closure in 2028 and; (2) no remediation of ancillary equipment and contaminated soil, allowing a comparison with the more extensive remediation analyzed under Alternative 3. Another main difference between this alternative and Alternative 3 is the use of a modified RCRA barrier. Treatment and disposal of treated waste would be the same for Alternatives 3 through 5, allowing for a comparison of the impacts associated with deployment of systems to treat and dispose of transuranic waste (Alternatives 3 through 5) to treatment of transuranic waste via the WTP (Alternatives 2 and 6).

6.0 Landfill Closure/Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified, as needed, to support SST waste retrieval and treatment.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which corresponds to retrieval of 99%) using liquid and non-liquid based retrieval and enhanced leak detection systems.

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems. Supplemental treatment technologies would be used to immobilize LLW. New non-vitrification treatment capacity to immobilize LLW for disposition would be developed external to the WTP. Waste treatment under this alternative would be completed in 2028, and all SST systems would be closed by 2028.

Disposal: ILAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities. IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities.

Closure: As operations are completed, all tank waste system waste storage, treatment, and disposal facilities at the Hanford Site would be closed (tank farm systems) or decommissioned (waste treatment facilities). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Waste storage and disposal facilities would be closed as RCRA landfill units under applicable state Dangerous Waste Regulations (WAC 173–303). Residual waste in tanks, ancillary equipment, and contaminated soils would be remediated in place as needed in accordance with RCRA requirements, and the closed tank systems would be covered with a modified RCRA barrier.

The main difference between this alternative and the other alternatives is that under this alternative there would not be a separate TRU waste stream (Alternatives 3 through 5). As with Alternative 2, waste would be treated in the WTP and subsequently managed as either ILAW or IHLW.

Preliminary Identification of EIS Issues: The following issues have been tentatively identified for analysis in the EIS. The list is presented to facilitate comment on the scope of the EIS; it is not intended to be all-inclusive or to predetermine the potential impacts of any of the alternatives.

- Effects on the public and onsite workers from releases of radiological and nonradiological materials during normal operations and reasonably foreseeable accidents.
- Long-term risks to human populations resulting from waste disposal and residual tank system wastes.
- Effects on air and water quality from normal operations and reasonably foreseeable accidents, including long-term impacts on groundwater.
- Cumulative effects, including impacts from other past, present, and reasonably foreseeable actions at the Hanford Site.
- Effects on endangered species, archaeological/cultural/historical sites, floodplains and wetlands, and priority habitat.
- Effects from onsite and offsite transportation and from reasonably foreseeable transportation accidents.
- Socioeconomic impacts on surrounding communities.
- Disproportionately high and adverse effects on low-income and minority populations (Environmental Justice).
- Unavoidable adverse environmental effects.
- Short-term uses of the environment versus long-term productivity.
- Potential irretrievable and irreversible commitment of resources.
- The consumption of natural resources and energy, including water, natural gas, and electricity.
- Pollution prevention, waste minimization, and potential mitigative measures.

Related NEPA Decisions and Documents: The following lists DOE other NEPA documents that are related to this proposed Hanford Site Tank Retrieval and Closure EIS.

45 FR 46155, 1980, "Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

53 FR 12449, 1988, "Disposal of Hanford Defense High-Level Transuranic, and Tank Wastes, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

60 FR 28680, 1995, "Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Program, Part III; Record of Decision," **Federal Register**.

60 FR 54221, 1995, "Final Environmental Impact Statement for the Safe Interim Storage of Hanford Tank Wastes at the Hanford Site, Richland, WA; Record of Decision," **Federal Register**.

60 FR 61687, 1995, "Record of Decision Safe Interim Storage of Hanford Tank Wastes, Hanford Site, Richland, Washington," **Federal Register**.

61 FR 3922, 1996, "Availability of the Final Environmental Impact Statement for Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, WA; Notice of Availability of Final Environmental Impact Statement," **Federal Register**.

61 FR 10736, 1996, "Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, WA. ACTION: Notice of Record of Decision," **Federal Register**.

62 FR 8693, 1997, "Record of Decision for the Tank Waste Remediation System, Hanford Site, Richland, Washington," **Federal Register**.

DOE/EA–0479, 1990, Collecting Crust Samples from Level Detectors in Tank

Attachment 2 to U.S. Fish and Wildlife Service, June 16, 2003 – Notice of Intent *(continued)*

SY–101 at the Hanford Site, U.S. Department of Energy, Richland, Washington.

DOE/EA–0495, 1991, Preparation of Crust Sampling of Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.

DOE/EA–0511, 1991, Characterization of Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.

DOE/EA–0581, 1991, Upgrading of the Ventilation System at the 241–SY Tank Farm, U.S. Department of Energy, Richland, Washington.

DOE/EA–0802, 1992, Tank 241–SY–101 Equipment Installation and Operation to Enhance Tank Safety, U.S. Department of Energy, Richland, Washington.

DOE/EA–0803, 1992, Proposed Pump Mixing Operations to Mitigate Episodic Gas Releases in Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.

DOE/EA–0881, 1993, Tank 241–C–103 Organic Vapor and Liquid Characterization and Supporting Activities, U.S. Department of Energy, Richland, Washington.

DOE/EA–0933, 1995, Tank 241–C–106 Past Practice Sluicing Waste Retrieval, U.S. Department of Energy, Richland, Washington.

DOE/EA–0981, 1995, Solid Waste Retrieval Complex, Enhanced Radioactive and Mixed Waste Storage Facility, U.S. Department of Energy, Richland, Washington.

DOE/EA–1203, 1997, Trench 33 Widening in 218–W–5 Low-Level Burial Ground, U.S. Department of Energy, Richland, Washington.

DOE/EA–1276, 1999, Widening Trench 36 of the 218–E–12B Low-Level Burial Ground, U.S. Department of Energy, Richland, Washington.

DOE/EA–1405, 2002, Transuranic Waste Retrieval from the 218–W–4B and 218–W–4C Low-Level Burial Grounds, Finding of No Significant Impact, U.S. Department of Energy, Richland, Washington.

DOE/EIS–0113, 1987, Final Environmental Impact Statement. Disposal of Hanford Defense High-Level, Transuranic and Tank Wastes Hanford Site Richland, Washington, U.S. Department of Energy, Washington, DC.

DOE/EIS–0189, 1996, Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement, U.S. Department of Energy and Washington State Department of Ecology, Washington, DC.

DOE/EIS–0189–SA1, 1997, Supplement Analysis for the Proposed Upgrades to the Tank Farm Ventilation, Instrumentation, and Electrical Systems under Project W–314 in Support of Tank Farm Restoration and Safe Operations, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0189–SA2, 1998, Supplement Analysis for the Tank Waste Remediation System, U.S. Department of Energy, Washington, DC.

DOE/EIS–0189–SA3, 2001, Supplement Analysis for the Tank Waste Remediation System, U.S. Department of Energy, Washington, DC.

DOE/EIS–0200, 1997, Final Waste Management Programmatic Environmental Impact Statement, U.S. Department of Energy, Washington, DC.

DOE/EIS–0212, 1995, Safe Interim Storage of Hanford's Tank Waste Final Environmental Impact Statement, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0222, 1999, Final Hanford Remedial Action Environmental Impact Statement and Comprehensive Land Use Plan, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0250, 2002, Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada, U.S. Department of Energy Office of Civilian Radioactive Waste Management, Washington, DC.

DOE/EIS–0286D, 2000, Draft Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, U.S. Department of Energy, Richland, Washington.

DOE/EIS–0287, 2002, Idaho High-Level Waste and Facilities Disposition Environmental Impact Statement, U.S. Department of Energy, Washington, DC.

Ecology, 2000, Draft Environmental Impact Statement for Commercial Low-Level Radioactive Waste Disposal Site, Richland, Washington, Washington State Department of Ecology, Olympia, Washington.

Ecology, EPA, and DOE, 1989, Hanford Federal Facility Agreement and Consent Order, as amended, Washington State Department of Ecology, U.S. Environmental Protection Agency, and U.S. Department of Energy, Olympia, Washington.

Issued in Washington, DC on this 3rd day of January, 2003.

Beverly A. Cook,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 03–318 Filed 1–7–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03–37–000, et al.]

Exelon Generation Company, LLC, et al. Electric Rate and Corporate Filings

January 2, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Exelon Generation Company, LLC

[Docket No. EC03–37–000]

Take notice that on December 23, 2002, Exelon Corporation, Exelon Ventures Company, LLC, and Exelon Generation Company, LLC, filed an application with the Federal Energy Regulatory Commission (Commission) requesting authorization from the Commission to implement a plan of corporate reorganization.

Comment Date: January 13, 2003.

2. Idaho Power Company andIDACORP Energy, L.P.,

[Docket No. EC03–38–000]

Take notice that on December 23, 2002, Idaho Power Company (Idaho Power) and IDACORP Energy, L.P. (IELP, collectively, Applicants) filed an Application for Commission Approval of Disposition of Jurisdictional Facilities under Section 203 of the Federal Power Act. The jurisdictional facilities that are the subject of the Application are a wholesale power sales agreement and transactions (Truckee Agreement and Transactions) between Idaho Power and Truckee-Donner Public Utility District. By their Application, Applicants seek Commission approval for the assignment of the Truckee Agreement and Transactions from Idaho Power to IELP.

Comment Date: January 13, 2003.

3. Calpine Energy Services, L.P. Calpine Northbrook Energy Marketing, LLC

[Docket No. EC03–39–000]

Take notice that on December 24, 2002, Calpine Energy Services, L.P. (CES) and Calpine Northbrook Energy Marketing, LLC (CNEM) tendered for filing an application under section 203 of the Federal Power Act for approval of

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION – June 16, 2003

U.S. Department of Energy
Office of River Protection
P.O. Box 450
Richland, Washington 99352

JUN 16 2003

03-ED-095

Mr. Dennis Carlson
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
510 Desmond Drive S.E., Suite 103
Lacey, Washington 98503

Dear Mr. Carlson:

ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR RETRIEVAL, TREATMENT, AND DISPOSAL OF TANK WASTE AND CLOSURE OF SINGLE-SHELL TANKS (SST) AT THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing an EIS for the retrieval, treatment, and disposal of tank waste and closure of the SST at the Hanford Site near Richland, Washington. The EIS will also address the closure of the 149 SST and associated facilities in the tank farms. The Tanks contain both hazardous and radioactive waste. The tank farms and proposed treatment and storage facilities are located within the 200 West Area and 200 East Area. Attachment 1 shows the location of the 200 Areas, including the potential location of supplemental technology treatment facilities. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In support of the preparation of this EIS, ORP requests the National Marine Fisheries Service to provide a current list of species that may be affected by the proposed action. Activities covered by the EIS may impact the Columbia River and its fisheries' resources due to leaks from the tanks reaching the river via the groundwater pathway.

If you have any questions, please contact me, (509) 373-9160.

Sincerely,

Mary E. Burandt

Mary E. Burandt
NEPA Document Manager

ED:MEB

Attachments: (2)*

cc w/attachs:
P. F. X. Dunigan, Jr., RL
D. C. Ward, RL
Administrative Record

* Attachments are not reproduced here. See June 16, 2003, letter to U.S. Fish and Wildlife Service on page C–53, which includes the same attachments.

WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE – June 16, 2003

U.S. Department of Energy
Office of River Protection
P.O. Box 450
Richland, Washington 99352

JUN 16 2003

03-ED-097

Mr. Jeff Tayer, Regional Program Director, Yakima Office
Washington State Department of Fish and Wildlife
1701 South 24th Avenue
Yakima, Washington 98902

Dear Mr. Tayer:

ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR RETRIEVAL, TREATMENT, AND DISPOSAL OF TANK WASTE AND CLOSURE OF SINGLE-SHELL TANKS (SST) AT THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing an EIS for the retrieval, treatment, and disposal of tank waste and closure of the SST at the Hanford Site near Richland, Washington. The EIS will also address the closure of the 149 SST and associated facilities in the tank farms. The Tanks contain both hazardous and radioactive waste. The tank farms and proposed treatment and storage facilities are located within the 200 West Area and 200 East Area. Attachment 1 shows the location of the 200 Areas, including the potential location of supplemental technology treatment facilities. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In support of the preparation of this EIS, ORP requests the Washington Department of Fish and Wildlife to provide a current list of endangered, threatened, and other special status animals that may be affected by the proposed action.

If you have any questions, please contact me, (509) 373-9160.

Sincerely,

Mary E. Burandt

Mary E. Burandt
NEPA Document Manager

ED:MEB

Attachments: (2) *

cc w/attachs:
P. F. X. Dunigan, Jr., RL
D. C. Ward, RL
L. Vigue, WA Dept. Fish and Wildlife
Administrative Record

* Attachments are not reproduced here. See June 16, 2003, letter to U.S. Fish and Wildlife Service on page C–53, which includes the same attachments.

WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES – June 16, 2003

U.S. Department of Energy
Office of River Protection
P.O. Box 450
Richland, Washington 99352

JUN 16 2003

03-ED-098

Ms. Sandy Swope Moody
Washington Natural Heritage Program
Department of Natural Resources
P.O. Box 47014
Olympia, Washington 98504

Dear Ms. Swope Moody:

ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR RETRIEVAL, TREATMENT, AND DISPOSAL OF TANK WASTE AND CLOSURE OF SINGLE-SHELL TANKS (SST) AT THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing an EIS for the retrieval, treatment, and disposal of tank waste and closure of the SST at the Hanford Site near Richland, Washington. The EIS will also address the closure of the 149 SST and associated facilities in the tank farms. The Tanks contain both hazardous and radioactive waste. The tank farms and proposed treatment and storage facilities are located within the 200 West Area and 200 East Area. Attachment 1 shows the location of the 200 Areas, including the potential location of supplemental technology treatment facilities. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In support of the preparation of this EIS, ORP requests the Washington Natural Heritage Program to provide a current list of endangered, threatened, and other special status plants that may be affected by the proposed action.

If you have any questions, please contact me, (509) 373-9160.

Sincerely,

Mary E. Burandt

Mary E. Burandt
NEPA Document Manager

ED:MEB

Attachments: (2)*

cc w/attachs:
P. F. X. Dunigan, Jr., RL
D. C. Ward, RL
L. Vigue, WA Dept. Fish and Wildlife
Administrative Record

* Attachments are not reproduced here. See June 16, 2003, letter to U.S. Fish and Wildlife Service on page C–53, which includes the same attachments.

U.S. FISH AND WILDLIFE SERVICE – June 12, 2008

U.S. Department of Energy
Office of River Protection
P.O. Box 450, MSIN H6-60
Richland, Washington 99352

JUN 12 2008

08-ESQ-128

Mr. Mark Miller, Supervisor Central Washington
Ecological Services Office
U.S. Fish and Wildlife Service
215 Melody Lane, Suite 119
Wenatchee, Washington 98801

Dear Mr. Miller:

TANK CLOSURE AND WASTE MANAGEMENT (TC & WM) ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing the TC & WM EIS for the Hanford Site, near Richland, Washington, pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 Code of Federal Regulations (CFR) Parts 1500–1508 and 10 CFR Part 1021. This EIS expands the scope of the original retrieval, treatment, and disposal of Tank Waste and Closure of Single-Shell Tanks (SST) NEPA documentation as described in 68 Federal Register 1052 and for which ORP consulted with your office on June 16, 2003.

Similar to the earlier proposed EIS, this new document will analyze the environmental impacts of the retrieval, treatment, and disposal of tank waste and the closure of 149 SSTs within the 200 Areas. Additional scope was added including the management and disposal of solid wastes resulting from other Hanford activities, and the closure of the Fast Flux Test Facility. The areas of the Site where actions are occurring are depicted in Attachment 1. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In compliance with the Endangered Species Act, this EIS will contain an analysis of the proposed action as it relates to listed and proposed threatened and endangered species. In support of the preparation of the EIS, ORP requests that the U.S. Fish and Wildlife Service provide a current list of species that may be affected by the proposed actions.

If you have any questions, please contact Mary Beth Burandt TC & WM EIS NEPA Document Manager of my staff at (509) 372-7772.

Sincerely,

W. J. Taylor

William J. Taylor, Assistant Manager
Office of Environmental Safety and Quality

ESQ:MEB

Attachments: (2)

cc: See page 2

U.S. FISH AND WILDLIFE SERVICE – June 12, 2008 *(continued)*

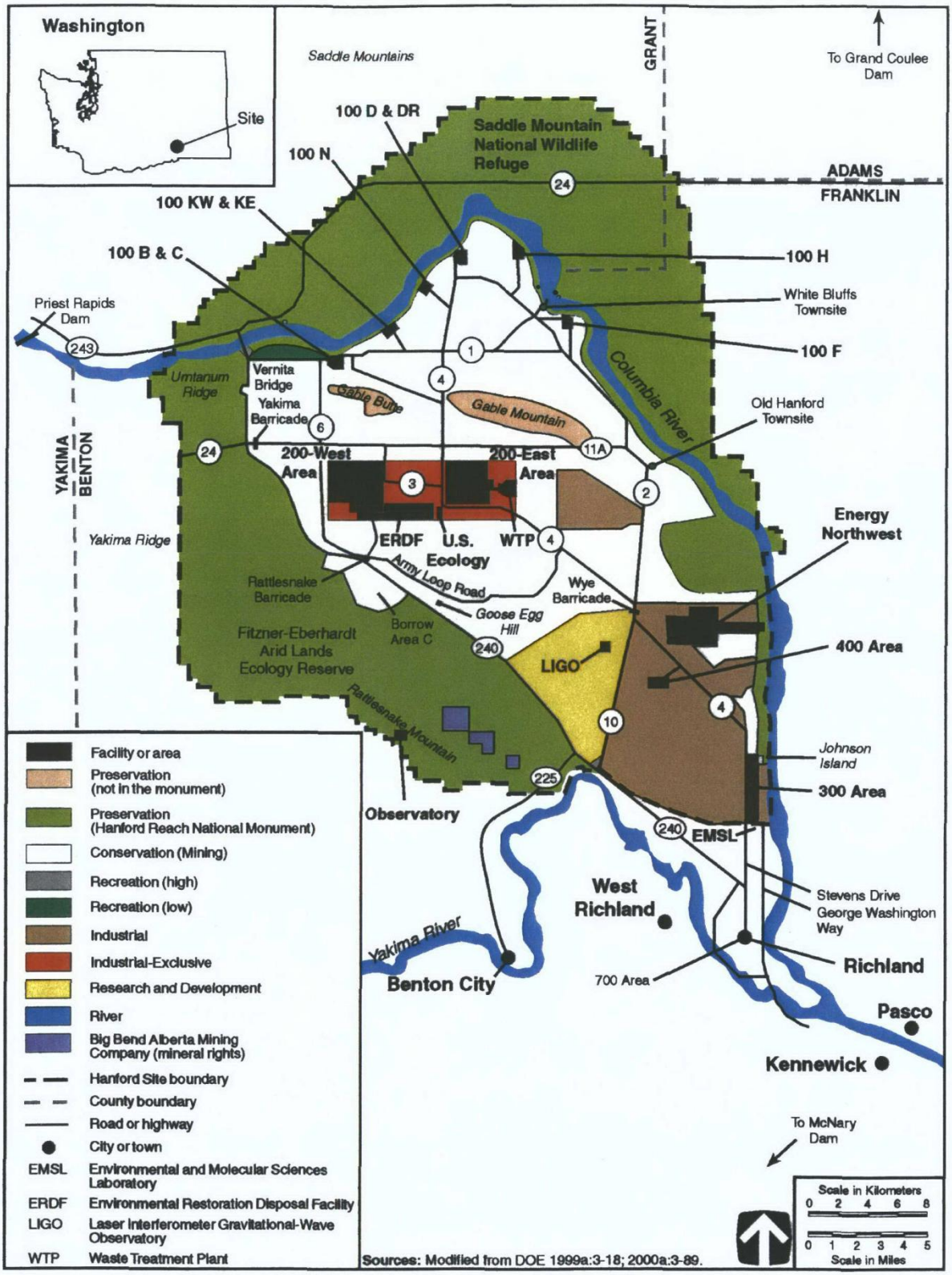
cc w/attachs:
D. Stock, SAIC

Attachment 1 to U.S. Fish and Wildlife Service, June 12, 2008 – Hanford Site, Richland, Washington

Attachment 1
08-ESQ-128

Hanford Site, Richland, Washington

Attachment 1 to U.S. Fish and Wildlife Service, June 12, 2008 – Hanford Site, Richland, Washington *(continued)*



Attachment 2 to U.S. Fish and Wildlife Service, June 12, 2008 – Notice of Intent

Attachment 2
08-ESQ-128

Federal Register/Vol. 71, No. 22/Thursday, February 2, 2006/Notices

Attachment 2 to U.S. Fish and Wildlife Service, June 12, 2008 – Notice of Intent *(continued)*

addressed as follows: Office of Electricity Delivery & Energy Reliability (Mail Code OE–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–586–5860).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On December 14, 2005, the Department of Energy (DOE) received an application from MAG E.S. to transmit electric energy from the United States to Canada. MAG E.S. is a Canadian corporation with its principal place of business in Montreal, Quebec. MAG E.S. has requested an electricity export authorization with a 5-year term. MAG E.S. does not own or control any transmission or distribution assets, nor does it have a franchised service area. The electric energy which MAG E.S. proposes to export to Canada would be purchased from electric utilities and Federal power marketing agencies within the U.S.

MAG E.S. will arrange for the delivery of exports to Canada over the international transmission facilities owned by Basin Electric Power Cooperative, Booneville Power Administration, Eastern Maine Electric Cooperative, International Transmission Co., Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power, Inc., Minnkota Power Cooperative, Inc., New York Power Authority, Niagara Mohawk Power Corp., Northern States Power Company and Vermont Electric Transmission Co.

The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by MAG E.S. has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the MAG E.S. application to export electric energy to Canada should be clearly marked with Docket EA–306. Additional copies are to be filed directly with Martin Gauthier, Director, MAG E.S. Energy Solutions Inc., 486 Ste-Catherine W, #402, Montreal, QC, Canada H3B 1A6.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the program's Home Page at *http://www.electricity.doe.gov*. Upon reaching the Home page, select "Divisions," then "Permitting Siting & Analysis," then "Electricity Imports/Exports," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on January 26, 2006.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E6–1392 Filed 2–1–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) announces its intent to prepare a new environmental impact statement (EIS) for its Hanford Site (Hanford) near Richland, Washington, pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 CFR Parts 1500–1508 and 10 CFR Part 1021. The new EIS, to be titled the *Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington* (TC & WM EIS), will implement a Settlement Agreement announced on January 9, 2006, among DOE, the Washington State Department of Ecology (Ecology) and the State of Washington Attorney General's office. The Agreement serves as settlement of NEPA claims in the case *State of Washington* v. *Bodman* (Civil No. 2:03–cv–05018–AAM), which addressed the *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program EIS, Richland, Washington* (HSW EIS, DOE/EIS–0286, January 2004).

Ecology will continue its role as a Cooperating Agency in the preparation of the TC & WM EIS. Ecology already was acting in that capacity during the ongoing preparation of the *EIS for Retrieval, Treatment and Disposal of Tank-Waste and Closure of the Single-Shell Tanks at the Hanford Site, Richland, Washington* (TC EIS, DOE/EIS–0356, Notice of Intent [NOI] at 68 FR 1052, January 8, 2003). The TC & WM EIS will revise, update and reanalyze groundwater impacts previously addressed in the HSW EIS. That is, the TC & WM EIS will provide a single, integrated analysis of groundwater at Hanford for all waste types addressed in the HSW EIS and the TC EIS. As a result, the TC & WM EIS will include a reanalysis of onsite disposal alternatives for Hanford's low-level radioactive waste (LLW) and mixed low-level radioactive waste (MLLW) and LLW and MLLW from other DOE sites. The TC & WM EIS will revise and update other potential impact areas previously addressed in the HSW EIS as appropriate. Finally, the TC & WM EIS will incorporate existing analyses from the HSW EIS that do not affect and are not directly affected by the waste disposal alternatives after review or revision as appropriate. DOE will continue its ongoing analysis of alternatives for the retrieval, treatment, storage, and disposal of underground tank wastes and closure of underground single-shell tanks (SST). In addition, DOE plans to include the ongoing *Fast Flux Test Facility Decommissioning EIS* (FFTF EIS, DOE/EIS–0364, NOI at 69 FR 50178, August 13, 2004) in the scope of the new TC & WM EIS, in order to provide an integrated presentation of currently foreseeable activities related to waste management and cleanup at Hanford.

In accordance with the Settlement Agreement, DOE will not ship offsite waste to Hanford for storage, processing, or disposal until a Record of Decision (ROD) is issued pursuant to the TC & WM EIS, except under certain limited exemptions as provided in the Settlement Agreement.

DOE is soliciting comments on the proposed scope of the new TC & WM EIS. Comments previously submitted in response to the 2003 NOI for the TC EIS and the 2004 NOI for the FFTF EIS are being considered and need not be resubmitted.

Attachment 2 to U.S. Fish and Wildlife Service, June 12, 2008 – Notice of Intent *(continued)*

DATES: DOE invites Federal agencies, American Indian tribal nations, state and local governments, and the public to comment on the scope of the planned TC & WM EIS. DOE will consider all comments received by March 6, 2006, as well as comments received after that date to the extent practicable. DOE plans to hold public meetings at the following locations:

Hood River, Oregon; February 21, 2006.

Portland, Oregon; February 22, 2006.

Seattle, Washington; February 23, 2006.

Richland, Washington, February 28, 2006.

The public meetings will address the scope of the planned TC & WM EIS. DOE will provide additional notification of the meeting times and locations through newspaper advertisements and other appropriate media.

ADDRESSES: To submit comments on the scope of the TC & WM EIS or to request copies of the references listed herein, including references listed in Appendix A, contact: Mary Beth Burandt, Document Manager, Office of River Protection, U.S. Department of Energy, Post Office Box 450, Mail Stop H6–60, Richland, WA 99352. Electronic mail: *TC&WMEIS@saic.com*. Fax: 509–376–3661. Telephone and voice mail: 509–373–9160.

FOR FURTHER INFORMATION CONTACT: For information on DOE's NEPA process, contact: Carol Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone 202–586–4600, or leave a message at 1–800–472–2756.

This NOI will be available on DOE's NEPA Web site at *http://www.eh.doe.gov/nepa* and the TC & WM EIS Web site at *http://www.hanford.gov/orp/* (click on Public Involvement).

SUPPLEMENTARY INFORMATION:

I. Background

The Hanford Site is located in southeastern Washington State along the Columbia River, and is approximately 586 square miles in size. Hanford's mission included defense-related nuclear research, development, and weapons production activities from the early 1940s to approximately 1989. During that period, Hanford operated a plutonium production complex with nine nuclear reactors and associated processing facilities. These activities created a wide variety of chemical and radioactive wastes. Hanford's mission now is focused on the cleanup of those wastes and ultimate closure of Hanford. To this end, DOE manages several types of radioactive wastes at Hanford: (1) High-level radioactive waste (HLW) as defined under the Nuclear Waste Policy Act [42 U.S.C. 10101]; (2) transuranic (TRU) waste, which is waste containing alpha-particle-emitting radionuclides with atomic numbers greater than uranium (*i.e.*, 92) and half-lives greater than 20 years in concentrations greater than 100 nanocuries per gram of waste; (3) LLW, which is radioactive waste that is neither HLW nor TRU waste; and (4) MLLW, which is LLW containing hazardous constituents as defined under the Resource Conservation and Recovery Act of 1976 (RCRA, 42 U.S.C. 6901 *et seq.*).

At present, DOE is constructing a Waste Treatment Plant (WTP) in the 200-East Area of the site. The WTP will separate waste stored in Hanford's underground tanks into HLW and low-activity waste (LAW) fractions. HLW will be treated in the WTP and stored at Hanford until it can be shipped to the proposed repository at Yucca Mountain, Nevada. Immobilized LAW waste would be treated in the WTP and disposed of at Hanford as decided in the ROD issued in 1997 (62 FR 8693), pursuant to the *Tank Waste Remediation System, Hanford Site, Richland, Washington, Final EIS* (TWRS EIS, DOE/EIS–0189, August 1996). DOE is processing Hanford's contact-handled TRU waste (which does not require special protective shielding) for shipment to the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico, consistent with the 1998 RODs (63 FR 3624 and 63 FR 3629) for treatment and disposal of TRU waste under the *Final Waste Management Programmatic EIS for Managing Treatment, Storage, and Disposal of Radioactive and Hazardous Waste* (WM PEIS, DOE/EIS–0200) and the *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement* (WIPP SEIS-II, DOE/EIS–0026–S–2, September 1997). DOE is disposing of Hanford's LLW and MLLW onsite, consistent with the ROD for treatment and disposal of these wastes under the WM PEIS (65 FR 10061). This ROD also designates Hanford as a regional disposal site for LLW and MLLW from other DOE sites.

In January 2003, DOE issued an NOI (68 FR 1052) to prepare the TC EIS (DOE/EIS–0356). The proposed scope of the TC EIS included closure of the 149 underground SSTs and newly available information on supplemental treatment for the LAW from all 177 tanks, which contain a total of approximately 53 million gallons of waste.

In March 2003, Ecology initiated litigation on issues related to importation, treatment, and disposal of radioactive and hazardous waste generated offsite as a result of nuclear defense and research activities. The Court enjoined shipment of offsite TRU waste to Hanford for processing and storage pending shipment to WIPP.

In January 2004, DOE issued the HSW EIS and a ROD (69 FR 39449), which addressed ongoing solid waste management operations, and announced DOE's decision to dispose of Hanford and a limited volume of offsite LLW and MLLW in a new Integrated Disposal Facility in the 200-East Area of Hanford. DOE also decided to continue sending Hanford's MLLW offsite for treatment and to modify Hanford's T-Plant for processing remote-handled TRU waste and MLLW (which require protective shielding).

Ecology amended its March 2003 complaint in 2004, challenging the adequacy of the HSW EIS analysis of offsite waste importation. In May 2005, the Court granted a limited discovery period, continuing the injunction against shipping offsite wastes to Hanford, including LLW and MLLW (*State of Washington* v. *Bodman* [Civil No. 2:03–cv–05018–AAM]). In July 2005, while preparing responses to discovery requests from Ecology, Battelle Memorial Institute, DOE's contractor who assisted in preparing the HSW EIS, advised DOE of several differences in groundwater analyses between the HSW EIS and its underlying data.

DOE promptly notified the Court and the State and, in September 2005, convened a team of DOE experts in quality assurance and groundwater analysis, as well as transportation and human health and safety impacts analysis, to conduct a quality assurance review of the HSW EIS. The team completed its *Report of the Review of the Hanford Solid Waste Environmental Impact Statement* (EIS) *Data Quality, Control and Management Issues*, January 2006 (hereafter referred to as the Quality Review).

Because both Ecology and DOE have a shared interest in the effective cleanup of Hanford, DOE and Ecology announced a Settlement Agreement ending the NEPA litigation on January 9, 2006. The Agreement is intended to resolve Ecology's concerns about HSW EIS groundwater analyses and to address other concerns about the HSW EIS, including those identified in the *Quality Review*.

The Agreement calls for an expansion of the TC EIS to provide a single, integrated set of analyses that will include all waste types analyzed in the HSW EIS (LLW, MLLW, and TRU

Attachment 2 to U.S. Fish and Wildlife Service, June 12, 2008 – Notice of Intent *(continued)*

waste). The expanded EIS will be renamed the TC & WM EIS. Pending finalization of the TC & WM EIS, the HSW EIS will remain in effect to support ongoing waste management activities at Hanford (including transportation of TRU waste to WIPP) in accordance with applicable regulatory requirements. The Agreement also stipulates that when the TC & WM EIS has been completed, it will supersede the HSW EIS. Until that time, DOE will not rely on HSW EIS groundwater analyses for decision-making, and DOE will not import offsite waste to Hanford, with certain limited exemptions as specified in the Agreement.

DOE and Ecology have mutual responsibilities for accomplishing cleanup of Hanford, as well as continuing ongoing waste management activities consistent with applicable Federal and state laws and regulations. *The Hanford Federal Facility Agreement and Consent Order* (also called the Tri-Party Agreement [TPA]) among the state, DOE, and the U.S. Environmental Protection Agency (EPA) contains various enforceable milestones that apply to waste management activities. DOE also is required to comply with applicable requirements of RCRA and the state's Hazardous Waste Management Act of 1976 as amended (Chapter 70.105 Revised Code of Washington). To carry out proposals for future actions and obtain necessary permits, each agency must comply with the applicable provisions of NEPA and the Washington State Environmental Policy Act (SEPA) respectively. The agencies have revised their Memorandum of Understanding for the TC EIS (effective March 25, 2003), which identified Ecology as a Cooperating Agency in the preparation of the TC EIS. The Memorandum of Understanding revision is consistent with the Settlement Agreement and provides for Ecology's continuing participation as a Cooperating Agency in preparation of the TC & WM EIS to assist both agencies in meeting their respective responsibilities under NEPA and SEPA.

II. Purpose and Need for Action

Recognizing the potential risks to human health and the environment from Hanford tank wastes, DOE needs to retrieve waste from the 149 SSTs and 28 double-shell tanks (DST), treat and dispose of the waste, and close the SST farms in a manner that complies with Federal and Washington State requirements. Some waste from tanks and LLW and MLLW from Hanford and other DOE sites that do not have appropriate facilities must be disposed of to facilitate cleanup of Hanford and these sites.

III. Proposed Action

DOE proposes to retrieve and treat waste from 177 underground tanks and ancillary equipment and dispose of this waste in compliance with applicable regulatory requirements. Vitrified HLW waste would be stored onsite until it can be disposed of in the proposed repository at Yucca Mountain. DOE proposes to provide additional treatment capacity for the tank LAW that can supplement the planned WTP capacity in fulfillment of DOE's obligations under the TPA in as timely a manner as possible. DOE would dispose of Hanford's immobilized LAW, LLW and MLLW, and LLW and MLLW from other DOE sites, in lined trenches onsite. These trenches would be closed in accordance with applicable regulatory requirements.

DOE also proposes to complete the final decontamination and decommissioning of the FFTF. DOE decided, in January 2001, (ROD at 66 FR 7877) that the permanent closure of FFTF was to be resumed with no new missions, based on the *Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility (DOE/EIS–0310, December 2000).*

IV. Proposed Scope of the TC & WM EIS

In accordance with the Settlement Agreement, DOE intends to prepare a single, comprehensive EIS addressing tank waste retrieval, treatment, storage, and disposal; tank closure; and management of all waste types analyzed in the HSW EIS as an integrated document for public and agency review and reference. The TC & WM EIS will update, revise, or reanalyze resource areas (such as groundwater and transportation) from the HSW EIS as necessary to make them current and reflect the waste inventories and analytical assumptions being used for environmental impact assessment in the TC & WM EIS. All updated analyses would be included in the revised quantitative groundwater and other cumulative impact analyses in the TC & WM EIS.

The proposed scope of the TC & WM EIS includes alternatives for onsite disposal of LLW, MLLW, and LAW; transportation of offsite LLW and MLLW to Hanford for disposal; and current or revised information for ongoing operations, such as those involving Hanford's Central Waste Complex, that were included in the HSW EIS.

DOE proposes to retain all of the scope identified in the 2003 NOI for the TC EIS as modified by public scoping comments. Proposed modifications to the alternatives identified in the 2003 NOI are provided in Section VI. That is, the new TC & WM EIS would address management of the approximately 53 million gallons of waste stored in 149 underground SSTs (ranging in capacity from approximately 55,000 to 1 million gallons) and 28 underground DSTs (ranging in capacity from approximately 1 to 1.16 million gallons) grouped in 18 tank farms, and approximately 60 smaller miscellaneous underground storage tanks, along with ancillary equipment.

DOE proposes to retain all of the scope identified in its August 2004 NOI to evaluate alternatives for the final disposition of the FFTF and proposes to integrate that scope into the TC & WM EIS. The TC & WM EIS will thus provide an integrated presentation of currently foreseeable activities related to waste management and cleanup at Hanford.

V. Potential Decisions To Be Made

DOE plans to make decisions on the following topics.

- *Retrieval of Tank Waste*—A reasonable waste retrieval range is comprised of three levels: 90 percent, 99 percent, and 99.9 percent. The 99 percent retrieval is the goal established by the TPA (Milestone M–45–00); 90 percent retrieval evaluates a risk analysis of the tank farms as defined in the M–45–00, Appendix H, process; and 99.9 percent retrieval reflects uses of multiple retrieval technologies to support clean closure of the tank farms.
- *Treatment of Tank Waste*—WTP waste treatment capability can be augmented by supplemental treatment technologies and constructing new treatment facilities that are part of, or separate from, the WTP. The two primary choices that could fulfill DOE's TPA commitments are to treat all waste in an expanded WTP or provide supplemental treatment to be used in conjunction with, but separate from, the WTP. DOE has conducted preliminary tests on three supplemental treatment technologies—cast stone (a form of grout), steam reforming, and bulk vitrification—to determine if one or more could be used to provide the additional, supplemental waste treatment capability needed to complete waste treatment.
- *Disposal of Treated Tank Waste*—Onsite disposal includes treated tank waste such as immobilized LAW and

Attachment 2 to U.S. Fish and Wildlife Service, June 12, 2008 – Notice of Intent *(continued)*

waste generated from closure activities that meets onsite disposal criteria; the decision to be made involves the onsite location of disposal facilities. Decisions to be made related to offsite disposal include the length of time and facilities required for storage of immobilized high-level radioactive waste (IHLW) prior to disposal at the proposed Yucca Mountain repository.

• *Storage of Tank Waste*—Depending on the alternative being analyzed, storing tank waste for different lengths of time may be necessary. This may require the construction, operation, and deactivation of waste transfer infrastructures, including waste receiver facilities (below-grade lag storage and minimal waste treatment facilities), waste transfer line upgrades, and new or replacement DSTs. Also depending on the alternative, construction and operation of additional immobilized HLW storage vaults, melter pads, and TRU waste storage facilities needed to store treated tank waste.

• *Closure of SSTs*—Decisions to be made include closing the SSTs by clean closure, selective clean closure/landfill closure, and landfill closure with or without any soil contamination removal. Decisions regarding barriers (engineered modified RCRA Subtitle C barrier or Hanford barrier) to prevent water intrusion will be made. A closure configuration for the original 28 DSTs will be evaluated in the TC & WM EIS for engineering reasons related to barrier placement for the SSTs. This evaluation also is provided to aid Ecology in evaluating the impacts which might result in closing DSTs to a debris rule standard. However, DOE is deferring a decision on closure of DSTs and decommissioning of the WTP until a later date when the mission for those facilities is nearing completion.

• *Disposal of Hanford's and DOE Offsite LLW and MLLW*—The decision to be made concerns the onsite location of disposal facilities for Hanford's waste and other DOE sites' LLW and MLLW. DOE committed in the HSW EIS ROD that henceforth LLW would be disposed of in lined trenches. Thus, the decision would concern whether to dispose of the waste in the 200-West Area or at the Integrated Disposal Facility in the 200-East Area.

• *Final Decontamination and Decommissioning of the FFTF*—The decision would identify the final end state for the above-ground, below-ground, and ancillary support structures.

VI. Potential Range of Alternatives

Six alternatives were originally proposed for TC EIS and are listed below. The initial scope of the TC EIS was provided in the January 2003 NOI and at each public scoping meeting.

• No Action Alternative, which was to implement the 1997 TWRS EIS ROD;

• Implement the 1997 TWRS EIS ROD with Modifications;

• Landfill Closure of Tank Farms/Onsite and Offsite Waste Disposal;

• Clean Closure of Tank Farms/Onsite and Offsite Waste Disposal;

• Accelerated Landfill Closure/Onsite and Offsite Waste Disposal; and

• Landfill Closure/Onsite and Offsite Waste Disposal.

Onsite disposal would include immobilized LAW, LLW, and MLLW resulting from tank retrieval and treatment. Offsite disposal of HLW would occur at Yucca Mountain. No determination has been made as to whether any of the tanks contain TRU waste. If it is determined that any tank waste is TRU waste, offsite disposal at WIPP would be appropriate, provided the required approvals from EPA and the New Mexico Environment Department were obtained.

As a result of the 2003 scoping for the TC EIS, a number of changes are being made to those identified in the NOI. The major changes are:

• The No Action Alternative was modified to address a traditional "no action" rather than the action from the TWRS EIS ROD;

• The alternative addressing implementation of the 1997 TWRS EIS ROD was modified to address both the currently planned vitrification capacity and the currently planned capacity supplemented with additional vitrification capacity as the supplemental treatment;

• A partial tank removal option was added, which analyzes leaving some of the SSTs in place and exhuming the SSTs completely in the SX and BX tank farms;

• The Landfill Closure of Tank Farms/Onsite and Offsite Waste Disposal Alternative has been modified to more clearly evaluate the No Separations (of HLW and LAW waste) with Onsite Storage and Offsite Disposal Alternative; and

• A suboption has been added to both the All Vitrification with Separations and All Vitrification/No Separations (of HLW and LAW waste) Alternatives to address closure of the cribs and trenches proximal to tanks within identified waste management areas in place as opposed to removing them.

For Hanford and offsite LLW and MLLW analyzed in the HSW EIS, DOE proposes to simplify the alternatives. Both waste types would be disposed of in lined trenches. DOE plans to update the volumes to be disposed of, approximating those volumes for offsite waste in the 2004 HSW EIS ROD, and to update the waste information. DOE also intends to update the transportation analysis of shipping offsite waste to Hanford for disposal. The onsite disposal alternatives are:

• Construction of a new disposal facility in the 200-West Area burial grounds; and

• Construction of new LLW and MLLW capacity in the Integrated Disposal Facility in the 200-East Area.

For the FFTF, the 2004 NOI identified three alternatives as listed below.

• No Action—actions consistent with previous DOE NEPA decisions would be completed; final decommissioning would not occur.

• Entombment—above-ground structures would be decontaminated and dismantled, below-ground structures would be grouted and left in place.

• Removal—above-ground structures would be decontaminated and dismantled, below-ground structures would be removed and disposed of at Hanford.

VII. Potential Environmental Issues for Analysis

The following issues have been tentatively identified for analysis in the TC & WM EIS. This list is presented to facilitate comment on the scope of the TC & WM EIS, but is not intended to be all-inclusive or to predetermine potential impacts of any alternative.

• Effects on the public and onsite workers of radiological and nonradiological material releases during normal operations and reasonably foreseeable accidents;

• Long-term risks to human populations resulting from waste disposal and residual tank system wastes;

• Effects on air and water quality of normal operations and reasonably foreseeable accidents, including long-term impacts on groundwater;

• Cumulative effects, including impacts of other past, present, and reasonably foreseeable actions at Hanford, including past discharges to cribs and trenches, groundwater remediation activities, activities subject to TPA requirements and cleanup activities under the Comprehensive Environmental Response, Compensation, and Liability Act;

• Effects on endangered species, archaeological/cultural/historical sites, floodplains and wetlands, and priority habitat;

• Effects of on- and offsite transportation and of reasonably

Attachment 2 to U.S. Fish and Wildlife Service, June 12, 2008 – Notice of Intent *(continued)*

foreseeable transportation accidents; and

• Socioeconomic impacts on surrounding communities.

VIII. Public Scoping

DOE invites Federal agencies, American Indian tribal nations, state and local governments, and the general public to comment on the scope of the planned TC & WM EIS. Information on the scoping comment period is provided in the **DATES** section above. Comments previously submitted in response to the 2003 NOI for the TC EIS and the 2004 NOI for the FFTF EIS are being considered and need not be resubmitted.

Issued in Washington, DC, on January 30, 2006.

John Spitaleri Shaw,

Assistant Secretary for Environment, Safety and Health.

Appendix A—Related National Environmental Policy Act Documents

45 FR 46155, 1980, "Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

53 FR 12449, 1988, "Disposal of Hanford Defense High-Level, Transuranic, and Tank Wastes, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

60 FR 28680, 1995, "Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Program, Part III; Record of Decision," **Federal Register**.

60 FR 54221, 1995, "Final Environmental Impact Statement for the Safe Interim Storage of Hanford Tank Wastes at the Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

60 FR 61687, 1995, "Record of Decision; Safe Interim Storage of Hanford Tank Wastes, Hanford Site, Richland, Washington," **Federal Register**.

61 FR 3922, 1996, "Availability of the Final Environmental Impact Statement for Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, Washington; Notice of Availability of Final Environmental Impact Statement," **Federal Register**.

61 FR 10736, 1996, "Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

62 FR 8693, 1997, "Record of Decision for the Tank Waste Remediation System, Hanford Site, Richland, Washington," **Federal Register**.

63 FR 3624, 1998, "Record of Decision for the Department of Energy's Waste Isolation Pilot Plant Disposal Phase," **Federal Register**.

63 FR 3629, 1998, "Record of Decision for the Department of Energy's Waste Management Program: Treatment and Storage of Transuranic Waste," **Federal Register**.

65 FR 10061, 2000, "Record of Decision for the Department of Energy's Waste Management Program: Treatment and Disposal of Low-Level Waste and Mixed Low-Level Waste; Amendment to the Record of Decision for the Nevada Test Site," **Federal Register**.

69 FR 39449, 2004, "Record of Decision for the Solid Waste Program, Hanford Site, Richland, Washington: Storage and Treatment of Low-Level Waste and Mixed Low-Level Waste; Disposal of Low-Level Waste and Mixed Low-Level Waste, and Storage, Processing, and Certification of Transuranic Waste for Shipment to the Waste Isolation Pilot Plant, **Federal Register**.

DOE/EA–0479, 1990, *Collecting Crust Samples from Level Detectors in Tank SY–101 at the Hanford Site*, U.S. Department of Energy, Richland, Washington.

DOE/EA–0495, 1991, *Preparation of Crust Sampling of Tank 241–SY–101*, U.S. Department of Energy, Richland, Washington.

DOE/EA–0511, 1991, *Characterization of Tank 241–SY–101*, U.S. Department of Energy, Richland, Washington.

DOE/EA–0581, 1991, *Upgrading of the Ventilation System at the 241–SY Tank Farm*, U.S. Department of Energy, Richland, Washington.

DOE/EA–0802, 1992, *Tank 241–SY–101 Equipment Installation and Operation to Enhance Tank Safety*, U.S. Department of Energy, Richland, Washington.

DOE/EA–0803, 1992, *Proposed Pump Mixing Operations to Mitigate Episodic Gas Releases in Tank 241–SY–101*, U.S. Department of Energy, Richland, Washington.

DOE/EA–0881, 1993, Tank 241–C–103 *Organic Vapor and Liquid Characterization and Supporting Activities*, U.S. Department of Energy, Richland, Washington.

DOE/EA–0933, 1995, *Tank 241–C–106 Past Practice Sluicing Waste Retrieval*, U.S. Department of Energy, Richland, Washington.

DOE/EA–0993, 1995, *Shutdown of the Fast Flux Test Facility, Hanford Site, Richland, Washington and Finding of No Significant Impact.*

DOE/EA–0981, 1995, *Environmental Assessment—Solid Waste Retrieval Complex, Enhanced Radioactive and Mixed Waste Storage Facility, Infrastructure Upgrades, and Central Waste Support Complex, Hanford Site, Richland, Washington*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EA–1203, 1997, *Trench 33 Widening in 218–W–5 Low-Level Burial Ground*, U.S. Department of Energy, Richland, Washington.

DOE/EA–1276, 1999, *Widening Trench 36 of the 218–E–12B Low-Level Burial Ground*, U.S. Department of Energy, Richland, Washington.

DOE/EA–1405, 2002, *Transuranic Waste Retrieval from the 218–W–4B and 218–W–4C Low-Level Burial Grounds, Hanford Site, Richland, Washington*, Finding of No Significant Impact, U.S. Department of Energy, Richland, Washington.

DOE/EIS–0113, 1987, *Final Environmental Impact Statement—Disposal of Hanford Defense High-Level, Transuranic, and Tank Wastes, Hanford Site, Richland, Washington*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0212, 1995, *Safe Interim Storage of Hanford Tank Wastes—Final Environmental Impact Statement*, U.S. Department of Energy, Richland Operations Office, Richland, Washington, and Washington State Department of Ecology, Olympia, Washington.

DOE/EIS–0189, 1996, *Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement*, U.S. Department of Energy, Richland Operations Office, Richland, Washington, and Washington State Department of Ecology, Olympia, Washington.

DOE/EIS–0189–SA1, 1997, *Supplement Analysis for the Proposed Upgrades to the Tank Farm Ventilation, Instrumentation, and Electrical Systems under Project W–314 in Support of Tank Farm Restoration and Safe Operations*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0189–SA2, 1998, *Supplement Analysis for the Tank Waste Remediation System*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0189–SA3; 2001, *Supplement Analysis for the Tank Waste Remediation System*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0200, 1997, *Final Waste Management Programmatic Environmental Impact Statement for Managing Treatment, Storage, and Disposal of Radioactive and Hazardous Waste*, U.S. Department of Energy, Office of Environmental Management, Washington, DC.

DOE/EIS–0026–S–2, 1997, *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement II*, U.S. Department of Energy, Carlsbad, New Mexico.

DOE/EIS–0222, 1999, *Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0310, 2000, *Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility.*

DOE/EIS–0250, 2002, *Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Yucca Mountain Site Characterization Office, North Las Vegas, Nevada.

DOE/EIS–0287, 2002, *Idaho High-Level Waste and Facilities Disposition Final Environmental Impact Statement*, U.S. Department of Energy, Idaho Operations Office, Idaho Falls, Idaho.

DOE/EIS–0286, 2004, *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, Richland, Washington*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

Attachment 2 to U.S. Fish and Wildlife Service, June 12, 2008 – Notice of Intent *(continued)*

DOH Publication 320–031, 2004, *Final Environmental Impact Statement—Commercial Low-Level Radioactive Waste Disposal Site, Richland, Washington,* Washington State Department of Health, Olympia, Washington, and Washington State Department of Ecology, Olympia, Washington.

U.S. Department of Energy, 2006, *Report of the Review of the Hanford Solid Waste Environmental Impact Statement (EIS) Data Quality, Control and Management Issues,* Washington, DC.

[FR Doc. E6–1404 Filed 2–1–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Considerations for Transmission Congestion Study and Designation of National Interest Electric Transmission Corridors

AGENCY: Office of Electricity Delivery and Energy Reliability ("OE"), Department of Energy.

ACTION: Notice of inquiry requesting comment and providing notice of a technical conference.

SUMMARY: The Department of Energy (the "Department") seeks comment and information from the public concerning its plans for an electricity transmission congestion study and possible designation of National Interest Electric Transmission Corridors ("NIETCs") in a report based on the study pursuant to section 1221(a) of the Energy Policy Act of 2005. Through this notice of inquiry, the Department invites comment on draft criteria for gauging the suitability of geographic areas as NIETCs and announces a public technical conference concerning the criteria for evaluation of candidate areas as NIETCs.

DATES: Written comments may be filed electronically in MS Word and PDF formats by e-mailing to: *EPACT1221@hq.doe.gov* no later than 5 p.m. EDT March 6, 2006. Also, comments can be filed by mail at the address listed below. The technical conference will be held in Chicago on March 29, 2006. For further information, please visit the Department's Web site at *http://www.electricity.doe.gov/1221.*

ADDRESSES: Written comments via mail should be submitted to:

Office of Electricity Delivery and Energy Reliability, OE–20, Attention: EPACT 1221 Comments, U.S. Department of Energy, Forestall Building, Room 6H–050, 1000 Independence Avenue, SW., Washington, DC 20585.

Note: U.S. Postal Service mail sent to the Department continues to be delayed by several weeks due to security screening. Electronic submission is therefore encouraged. Copies of written comments received and other relevant documents and information may be reviewed at *http://www.electricity.doe.gov/1221.*

FOR FURTHER INFORMATION CONTACT: Ms. Poonum Agrawal, Office of Electricity Delivery and Energy Reliability, OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–1411, *poonum.agrawal@hq.doe.gov,* or Lot Cooke, Office of the General Counsel, GC–76, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–0503, *lot.cooke@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Overview

The Nation's electric system includes over 150,000 miles of interconnected high-voltage transmission lines that link generators to load centers.[1] The electric system has been built by electric utilities over a period of 100 years, primarily to serve local customers and support reliability; the system generally was not constructed with a primary emphasis on moving large amounts of power across multi-state regions.[2] Due to a doubling of electricity demand and generation over the past three decades and the advent of wholesale electricity markets, transfers of large amounts of electricity across the grid have increased significantly in recent years. The increase in regional electricity transfers saves electricity consumers billions of dollars,[3] but significantly increases transmission facility loading.

Investment in new transmission facilities has not kept pace with the increasing economic and operational importance of transmission service.[4] Today, congestion in the transmission system impedes economically efficient electricity transactions and in some cases threatens the system's safe and reliable operation.[5] The Department has estimated that this congestion costs consumers several billion dollars per year by forcing wholesale electricity purchasers to buy from higher-cost suppliers.[6] That estimate did not include the reliability costs associated with such bottlenecks.

The National Energy Policy (May 2001),[7] the Department's National Transmission Grid Study (May 2002),[8] and the Secretary of Energy's Electricity Advisory Board's Transmission Grid Solutions Report (September 2002),[9] recommended that the Department address regulatory obstacles in the planning and construction of electric transmission and distribution lines. In response to these recommendations, the Department held a "Workshop on Designation of National Interest Electric Transmission Bottlenecks" on July 14, 2004, in Salt Lake City, Utah. The Department also issued a **Federal Register** notice of inquiry on July 22, 2004.[10] The purpose of the workshop and the notice of inquiry was to learn stakeholders' views concerning transmission bottlenecks, identify how designation of such bottlenecks may benefit the users of the grid and electricity consumers, and recognize key bottlenecks. In its plans for implementation of subsection 1221(a), the Department notes that it has considered the comments received via the notice and the workshop.

B. Summary of Relevant Provisions From the Statute

On August 8, 2005, the President signed into law the Energy Policy Act of 2005, Public Law 109–58, (the "Act"). Title XII of the Act, entitled "The Electricity Modernization Act of 2005" includes provisions relating to the siting of interstate electric transmission facilities and promoting advanced power system technologies. Subsection 1221(a) of the Act amends the Federal Power Act ("FPA") by adding a new section 216 which requires the Secretary of Energy (the "Secretary") to conduct a nationwide study of electric transmission congestion ("congestion study"), and issue a report based on the study in which the Secretary may designate "any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects

[1] North American Electric Reliability Council, Electricity Supply and Demand Database (2003) available at *http://www.nerc.com/esd.*

[2] Edison Electric Institute, *Survey of Transmission Investment* at 1 (May 2005).

[3] Department of Energy, *National Transmission Grid Study,* at 19 (May 2002) available at *http://www.eh.doe.gov/ntgs/reports.html.*

[4] *Id.* at 7; *see also* Hirst, U.S. Transmission Capacity Present Status and Future Prospects, 7 (June 2004).

[5] *National Transmission Grid Study, supra note* 3, at 10–20.

[6] *Id.* at 16–18.

[7] *The National Energy Policy Development Group Report,* available at *http://www.energy.gov/engine/content.do?BT_CODE=ADAP.*

[8] *National Transmission Grid Study, supra* note 3.

[9] Department of Energy Electricity Advisory Board, *Transmission Grid Solutions,* available at *http://www.eab.energy.gov/index.cfm?fuseaction=home.publications.*

[10] Designation of National Interest Electric Transmission Bottlenecks, 69 FR 43833 (July 22, 2004) also available at *http://www.electricity.doe.gov/bottlenecks.*

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION – June 12, 2008

U.S. Department of Energy
Office of River Protection
P.O. Box 450, MSIN H6-60
Richland, Washington 99352

JUN 12 2008

08-ESQ-129

Mr. Dennis Carlson
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
510 Desmond Drive S.E., Suite 103
Lacey, Washington 98503

Dear Mr. Carlson:

TANK CLOSURE AND WASTE MANAGEMENT (TC & WM) ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing the TC & WM EIS for the Hanford Site, near Richland, Washington, pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 Code of Federal Regulations (CFR) Parts 1500–1508 and 10 CFR Part 1021. This EIS expands the scope of the original retrieval, treatment, and disposal of Tank Waste and Closure of Single-Shell Tanks (SST) NEPA documentation as described in 68 Federal Register 1052 and for which ORP consulted with your office on June 16, 2003.

Similar to the earlier proposed EIS, this new document will analyze the environmental impacts of the retrieval, treatment, and disposal of tank waste and the closure of 149 SSTs within the 200 Areas. Additional scope was added including the management and disposal of solid wastes resulting from other Hanford activities, and the closure of the Fast Flux Test Facility. The areas of the Site where actions are occurring are depicted in Attachment 1. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In support of the preparation of the EIS, ORP requests that the National Marine Fisheries Service provide a current list of species that may be affected by the proposed actions, specifically those which could be impacted by the Columbia River.

If you have any questions, please contact Mary Beth Burandt TC & WM EIS NEPA Document Manager of my staff at (509) 372-7772.

Sincerely,

W J Taylor

William J. Taylor, Assistant Manager
Office of Environmental Safety and Quality

ESQ:MEB

Attachments: (2)*

cc: See page 2

* Attachments are not reproduced here. See June 12, 2008, letter to U.S. Fish and Wildlife Service on page C–64, which includes the same attachments.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION – June 12, 2008 *(continued)*

Mr. Dennis Carlson -2- JUN 12 2008
08-ESQ-129

cc w/attachs:
D. Stock, SAIC

WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE – June 12, 2008

U.S. Department of Energy
Office of River Protection
P.O. Box 450, MSIN H6-60
Richland, Washington 99352

JUN 12 2008

08-ESQ-127

Mr. Jeff Tayer
Regional Program Director, Yakima Office
Washington State Department of Fish and Wildlife
101 South 24th Avenue
Yakima, Washington 98902

Dear Mr. Tayer:

TANK CLOSURE AND WASTE MANAGEMENT (TC & WM) ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing the TC & WM EIS for the Hanford Site, near Richland, Washington, pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 Code of Federal Regulations (CFR) Parts 1500–1508 and 10 CFR Part 1021. This EIS expands the scope of the original retrieval, treatment, and disposal of Tank Waste and Closure of Single-Shell Tanks (SST) NEPA documentation as described in 68 Federal Register 1052 and for which ORP consulted with your office on June 16, 2003.

Similar to the earlier proposed EIS, this new document will analyze the environmental impacts of the retrieval, treatment, and disposal of tank waste and the closure of 149 SSTs within the 200 Areas. Additional scope was added including the management and disposal of solid wastes resulting from other Hanford activities, and the closure of the Fast Flux Test Facility. The areas of the Site where actions are occurring are depicted in Attachment 1. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In support of the preparation of the EIS, ORP requests that the U.S. Fish and Wildlife Service provide a current list of species that may be affected by the proposed actions.

If you have any questions, please contact Mary Beth Burandt TC & WM EIS NEPA Document Manager of my staff at (509) 372-7772.

Sincerely,

William J. Taylor, Assistant Manager
Office of Environmental Safety and Quality

ESQ:MEB

Attachments: (2)*

cc: See page 2

* Attachments are not reproduced here. See June 12, 2008, letter to U.S. Fish and Wildlife Service on page C–64, which includes the same attachments.

WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE – June 12, 2008 *(continued)*

Mr. Jeff Tayer -2- JUN 12 2008
08-ESQ-127

cc w/attachs:
D. Stock, SAIC

WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES – June 12, 2008

U.S. Department of Energy
Office of River Protection
P.O. Box 450, MSIN H6-60
Richland, Washington 99352

JUN 12 2008

08-ESQ-130

Ms. Sandy Swope Moody
Washington Natural Heritage Program
Department of Natural Resources
P.O. Box 47014
Olympia, Washington 98504

Dear Ms. Swope Moody:

TANK CLOSURE AND WASTE MANAGEMENT (TC & WM) ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing the TC & WM EIS for the Hanford Site, near Richland, Washington, pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 Code of Federal Regulations (CFR) Parts 1500–1508 and 10 CFR Part 1021. This EIS expands the scope of the original retrieval, treatment, and disposal of Tank Waste and Closure of Single-Shell Tanks (SST) NEPA documentation as described in 68 Federal Register 1052 and for which ORP consulted with your office on June 16, 2003.

Similar to the earlier proposed EIS, this new document will analyze the environmental impacts of the retrieval, treatment, and disposal of tank waste and the closure of 149 SSTs within the 200 Areas. Additional scope was added including the management and disposal of solid wastes resulting from other Hanford activities, and the closure of the Fast Flux Test Facility. The areas of the Site where actions are occurring are depicted in Attachment 1. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In support of the preparation of the EIS, ORP requests that the Washington Natural Heritage Program provide a current list of endangered, threatened and other special status species that may be affected by the proposed actions.

If you have any questions, please contact Mary Beth Burandt TC & WM EIS NEPA Document Manager of my staff at (509) 372-7772.

Sincerely,

William J. Taylor, Assistant Manager
Office of Environmental Safety and Quality

ESQ:MEB

Attachments: (2)*

cc: See page 2

* Attachments are not reproduced here. See June 12, 2008, letter to U.S. Fish and Wildlife Service on page C–64, which includes the same attachments.

WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES – June 12, 2008 *(continued)*

Ms. Sandy Swope Moody -2- JUN 12 2008
08-ESQ-130

cc w/attachs:
D. Stock, SAIC

C.2.2 Cultural Resources

The following are copies of the correspondence from DOE to the Washington State Department of Archaeology and Historic Preservation and to the Advisory Council on Historic Preservation regarding cultural resources, as discussed in Chapter 8 of this *Final TC & WM EIS*. Copies of enclosures that were provided in the *Draft TC & WM EIS* are provided only once in this *Final TC & WM EIS*. Below is a list of these letters.

To: Dr. Allyson Brooks, Washington State Department of Archaeology and Historic Preservation
From: Ms. Annabelle Rodriguez, U.S. Department of Energy
Date: August 12, 2003
Subject: Notification of a Section 106 Cultural Resources Review

To: Dr. Allyson Brooks, Washington State Department of Archaeology and Historic Preservation
From: Mr. Joel Hebdon, U.S. Department of Energy
Date: September 3, 2003
Subject: Cultural Resources Review (CRR) of "Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks (Tank Closure) Environmental Impact Statement" (HCRC #2003-200-044)

To: Dr. Allyson Brooks, Washington State Department of Archaeology and Historic Preservation
From: Mr. Doug S. Shoop, U.S. Department of Energy
Date: April 6, 2007
Subject: Transmittal of Area of Potential Effect (APE) for *Tank Closure and Waste Management Environmental Impact Statement (TC & WM EIS) for the Hanford Site, Richland, Washington*

To: Mr. John M. Fowler, Advisory Council on Historic Preservation
From: Mr. Doug S. Shoop, U.S. Department of Energy
Date: April 10, 2007
Subject: Transmittal of Area of Potential Effect (APE) for *Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington*

To: Dr. Allyson Brooks, Washington State Department of Archaeology and Historic Preservation
From: Mr. David A. Brockman, U.S. Department of Energy
Date: July 30, 2007
Subject: Determination of Adverse Effect and Transmittal of Cultural Resource Review for *Tank Closure and Waste Management Environmental Impact Statement* Project *(TC & WM EIS)* (#2007-600-018)

To: Mr. John M. Fowler, Advisory Council on Historic Preservation
From: Mr. Rob G. Hastings, U.S. Department of Energy
Date: September 5, 2007
Subject: Invitation to Participate in the National Historic Preservation Act (NHPA) Memorandum of Agreement (MOA) for Borrow Area C and *Tank Closure & Waste Management Environmental Impact Statement (TC & WM EIS), Hanford Site, Richland, Washington*

To: Dr. Allyson Brooks, Washington State Department of Archaeology and Historic Preservation
From: Mr. David A. Brockman, U.S. Department of Energy
Date: September 25, 2007
Subject: National Register of Historic Places Determination of Eligibility for *Laliik* Traditional Cultural Property

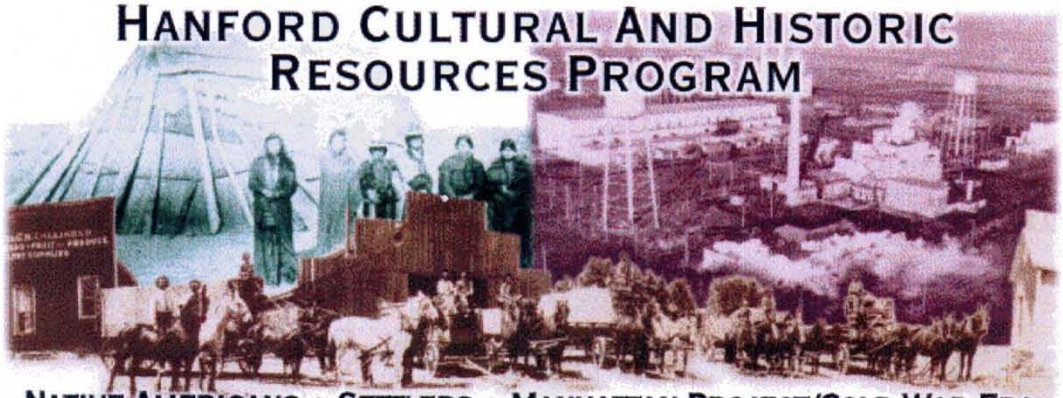
To: Mr. John M. Fowler, Advisory Council on Historic Preservation
From: Mr. Frank Marcinowski, U.S. Department of Energy
Date: November 2, 2007
Subject: Acknowledgement of the Advisory Council on Historic Preservation's Notification to Participate in Consultation for the *Tank Closure and Waste Management Environmental Impact Statement* and the Borrow Area C Project Memorandums of Agreement

To: Dr. Allyson Brooks, Washington State Department of Archaeology and Historic Preservation
From: Mr. Rob G. Hastings, U.S. Department of Energy
Date: June 30, 2008
Subject: Transmittal of Findings for Cultural Resources Review (CRR) and Inventory for the Interim Pretreatment System Facility, 200 East Area, Hanford Site, Richland, Washington (HCRC #2008-200-017)

WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION – August 12, 2003

From the desk of

HANFORD CULTURAL AND HISTORIC RESOURCES PROGRAM



NATIVE AMERICANS • SETTLERS • MANHATTAN PROJECT/COLD WAR ERA

ANNABELLE L. RODRIGUEZ
U.S. Department of Energy, Richland Operations Office
Cultural and Historic Resources Program
(509) 372-0277 Fax (509) 376-0306

To: **Allyson Brooks, SHPO**
Office of Archaeology and Historic Preservation
PO Box 48343
Olympia, WA 98504-8343
Phone: (360) 586-3065 Fax: (360) 586-3067

Dear Ms. Brooks:

This letter is to notify your office of a Section 106 Cultural Resources Review recently received by the U.S. Department of Energy, Richland Operations Office. This review proposes a project determined to be an undertaking which might affect historic properties. This notification is in accordance with 36 CFR Part 800.4(a) to document the area of potential effect for this project. We will seek and gather information from the public and interested parties as appropriate. An official Section 106 determination of affect to historic properties will be submitted for your 30 day review and comment upon completion of this cultural resources review The Hanford Cultural Resources Laboratory (HCRL), the Hanford Site cultural resources contractor, has compiled the attached information. I have authorized this contractor to fax this information on my behalf. Please contact me at or Ellen Prendergast, HCRL Section 106 Coordinator (509) 376-4626 if you have any questions.
Thanks,
Annabelle Rodriguez

1

WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION – August 12, 2003 *(continued)*

August 12, 2003

Project Title and Description: Retrieval, Treatment and Disposal of Tank Waste and Closure of Single Shell Tanks (Tank Closure) Environmental Impact Statement (HCRC#2003-200-044).

DOE proposes to retrieve waste from the 149 Single Shell Tanks (SSTs) and 28 Double Shell Tanks Systems (DSTs) and close the SST tank farms in a manner that complies with Federal and Washington State requirements and protects the human environment. (Closure of the DSTs and closure of the Waste Treatment Plant (WTP) are not part of the proposed action because they are active facilities needed to complete waste treatment. Closure of the DSTs and WTP would be addressed at a later date, after appropriate NEPA analysis.) DOE proposes to immobilize the retrieved waste in the WTP and through supplemental treatment technologies such as bulk vitrification, grout, steam reforming, and sulfate removal, and then package the immobilized waste for offsite shipment and disposal in licensed and/or permitted facilities or disposal onsite. The EIS is examining 6 alternatives, each of which contains a waste storage, retrieval, treatment and disposal component.

Most of the alternatives would require new facilities to be constructed and ground disturbance. All ground disturbing activities will be contained to the 200 West and 200 East Areas on the Hanford Site, as well as immediately east and west of the 200 East Areas (see Figure 1 and 2). 5 of the 6 alternatives entail new construction within the fencelines of the 200 East Area, the 200 West Area and the Waste Treatment Plant (WTP) (Vitrification Plant), located east of the 200 East Area. Exceptions include a Waste Treatment Plant replacement to be located north of the current WTP, a Canister Storage Module (CSM) Area 2 to be located east of the current WTP, and an IHLW Preprocessing Facility and HLW Debris Storage Area to be located between the 200 East and West Areas. The proposed locations of these facilities are depicted in Figure 2.

As the EIS is still in the conceptual stage and continues to evolve and changes to alternatives continue to be made, the project areas delineated in the attached maps are at this time general locations of project construction activities.

Area of Potential Effect: The Area of Potential Effect (APE) is contained to specific construction areas that area located both inside and outside of the 200 East and West Areas delineated in the attached map (Figure 2 and 3).

Existing Information:

- Most of the project area has been surveyed for cultural resources (HCRC# 88-200-046, 87-200-004, 87-200-012, 94-600-054, 88-200-038, 96-200-058, 92-200-007, 96-200-109, 97-200-002, 88-200-055, 88-200-015,93-200-001, 94-200-097, 93-600-004) (Figure 4 and 5).
- 2 historic isolated finds consisting of historic cans (HI-88-024, 88-025) have been recorded in the CSM project area in the 200 East area. One prehistoric isolated find a cryptocrystalline silica (CCS) base of a projectile point (HI-88-004) was located and collected in the CSM Area 2, east of the WTP project areas. According to aerial photographs, unsurveyed areas in the 200 East and West Areas appear to be highly disturbed by Hanford construction activities. North of the WTP, where the proposed WTP Replacement is proposed, portions of that area have not been surveyed and portions of it are highly disturbed. An area measuring approximately 4 acres has not been surveyed and it appears to be undisturbed. Approximately a 100 acre area east of the WTP where the CSM Area 2 is proposed has not been surveyed. Portions of this area are also disturbed.

2

WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION – August 12, 2003 *(continued)*

Next Steps

- The undisturbed, unsurveyed project areas need to be surveyed for cultural resources.

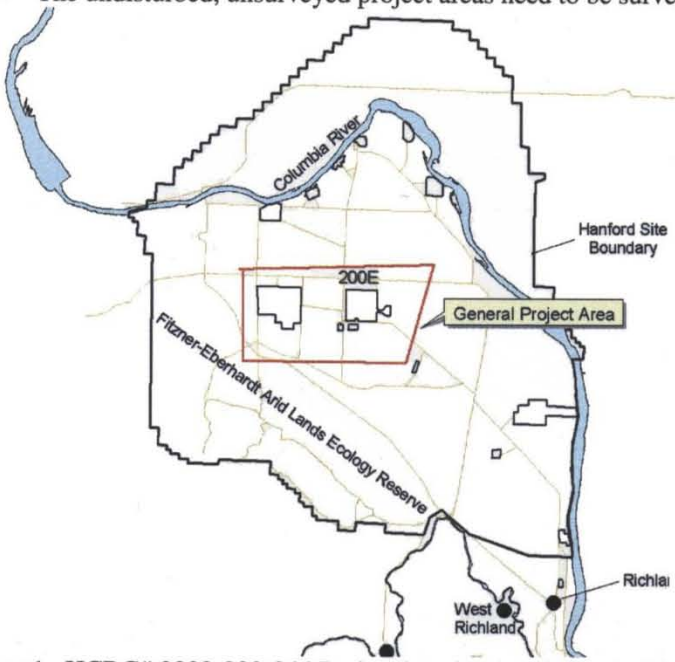


Figure 1. HCRC# 2003-200-044 Project location in relation to the Hanford Site.

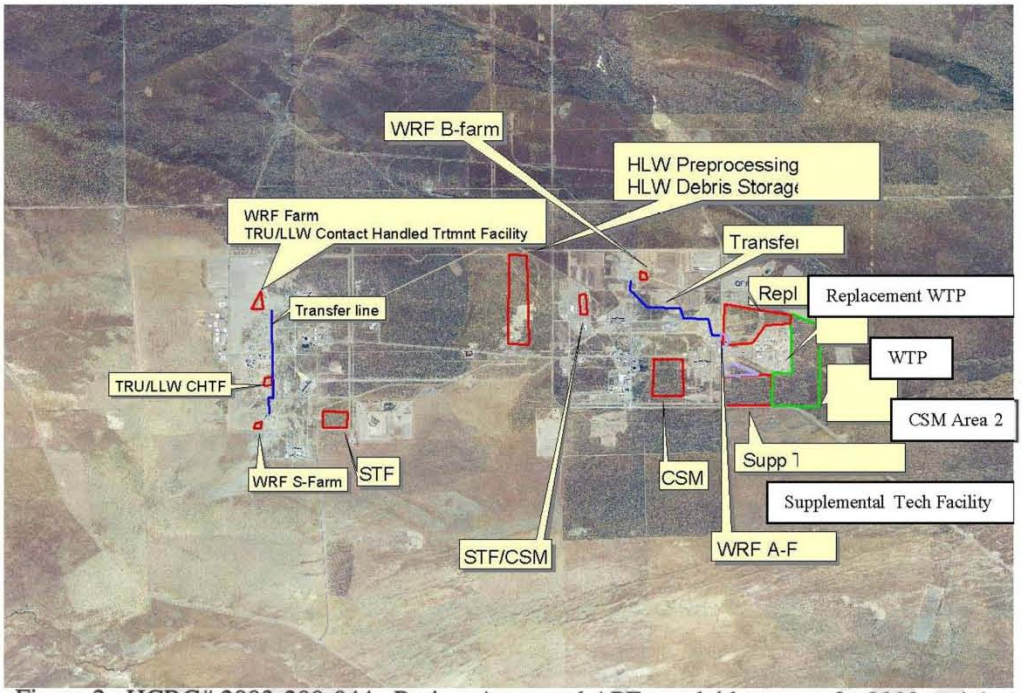


Figure 2. HCRC# 2003-200-044. Project Areas and APE overlaid on top of a 2002 aerial photograph.

3

WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION – August 12, 2003 *(continued)*

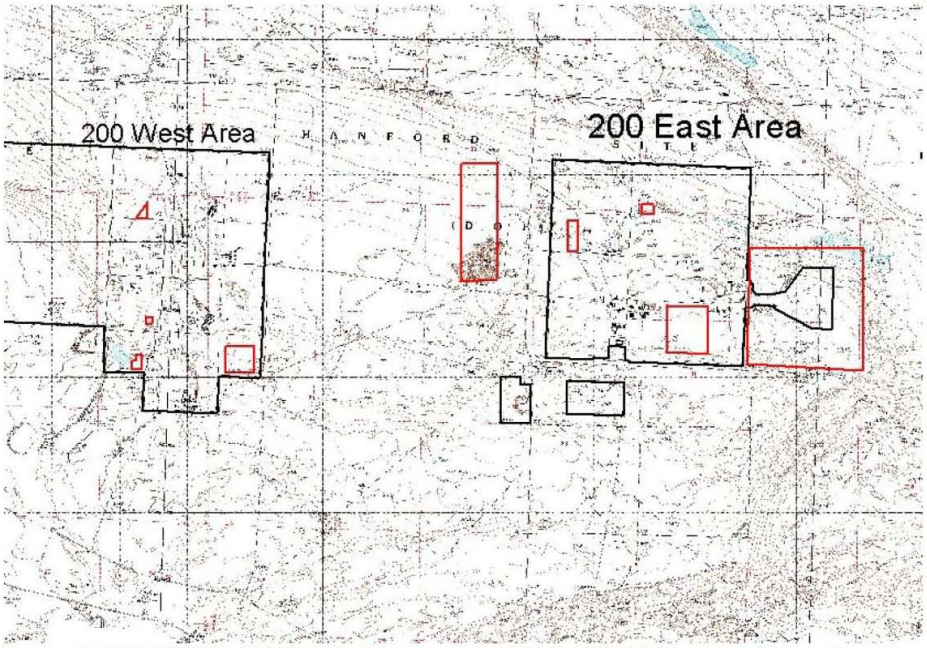
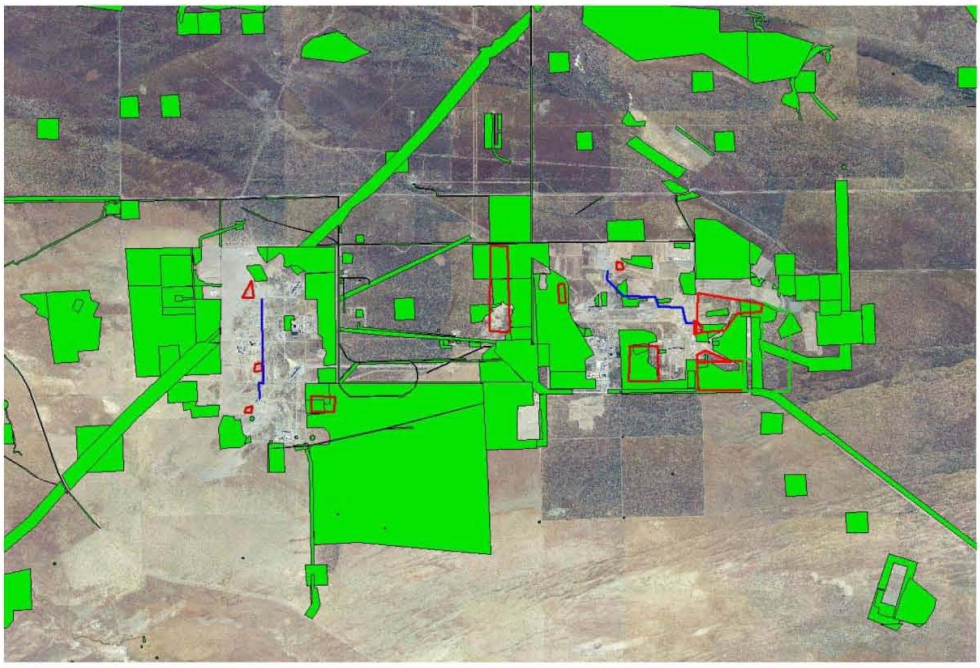


Figure 3. HCRC#2003-200-044 Project areas and APE on USGS Topography quadrangle maps.



4

Figure 4. HCRC# 2003-200-044. Shaded/green areas depict areas surveyed for cultural resources in relation to project areas. Image also shows disturbance from 2002 aerial photographs.

WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION – August 12, 2003 *(continued)*

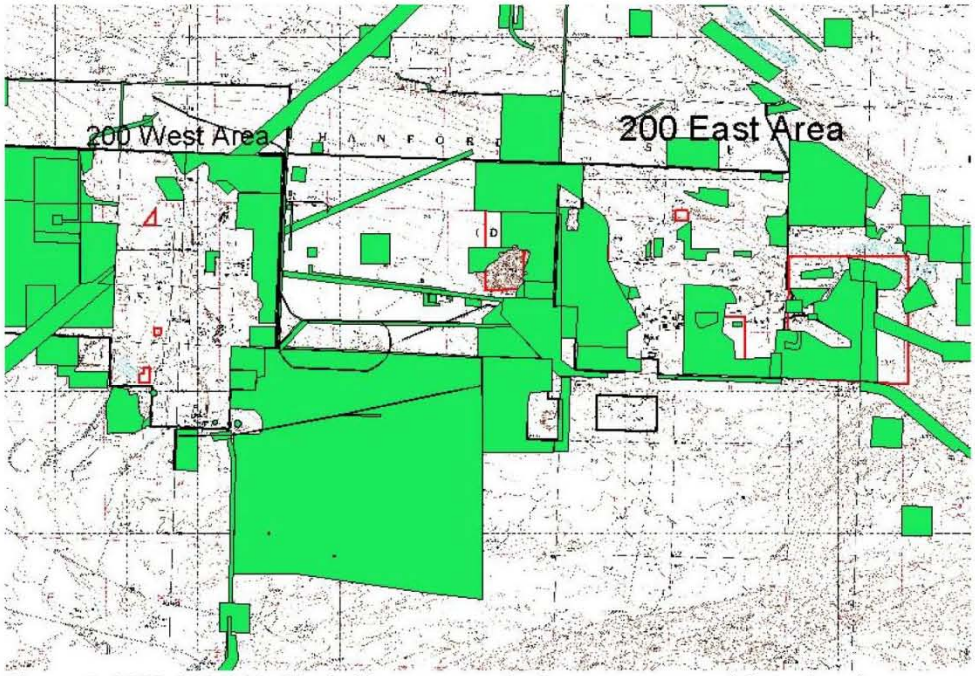


Figure 5. 2003-200-044. Shaded/green areas depict areas surveyed for cultural resources in relation to project areas on USGS Topography Quadrangle.

5

WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION – September 3, 2003

Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

03-RCA-0374

SEP 3 2003

Dr. Allyson Brooks
State Historic Preservation Officer
Office of Archaeology and Historic Preservation
Washington Department of Community,
Trade and Economic Development
P.O. Box 48343
Olympia, Washington 98504

Dear Dr. Brooks:

CULTURAL RESOURCES REVIEW (CRR) OF RETRIEVAL, TREATMENT, AND DISPOSAL OF TANK WASTE AND CLOSURE OF SINGLE-SHELL TANKS (TANK CLOSURE) ENVIRONMENTAL IMPACT STATEMENT (HCRC# 2003-200-044)

Enclosed is a CRR completed by the U.S. Department of Energy, Richland Operations Office's (RL) Hanford Cultural Resources Laboratory (HCRL) on August 28, 2003, for the subject project located on the Hanford Site, Richland, Washington. The results of the records and literature review conducted by HCRL staff are described in the enclosed CRR. RL concurs with the findings as stated in the enclosed CRR. Pursuant to 36CFR 800.2 (4), we are providing documentation to support these findings and to involve your office as a consulting party in the NHPA Section 106 Review process. If you have any questions, please contact Annabelle L. Rodriguez, of my staff, on (509) 372-0277.

Sincerely,

Joel Hebdon

Joel Hebdon, Director
Regulatory Compliance and Analysis Division

RCA:ALR

Enclosure

cc w/o encl:
E. L. Prendergast, PNNL

Enclosure to Washington State Department of Archaeology and Historic Preservation, September 3, 2003

Pacific Northwest National Laboratory
Operated by Battelle for the U.S. Department of Energy

August 28, 2003

No adverse effect to historic properties
SHPO, Tribe and interested parties 30 day review required

Charlotte Johnson
Science Applications International Corporation
3250 Port of Benton Boulevard
Richland, Washington 99352

Subject: Cultural Resources Review of Retrieval, Treatment and Disposal of Tank Waste and Closure of Single Shell Tanks (Tank Closure) Environmental Impact Statement (EIS) (HCRC# 2003-200-044).

Dear Ms. Johnson,

Project Description
DOE proposes to retrieve waste from the 149 Single Shell Tanks (SSTs) and 28 Double Shell Tanks Systems (DSTs) and close the SST tank farms in a manner that complies with Federal and Washington State requirements and protects the human environment. DOE also proposes to immobilize the retrieved waste in the WTP and through supplemental treatment technologies such as bulk vitrification, grout, steam reforming, and sulfate removal, and then package the immobilized waste for offsite shipment and disposal in licensed and/or permitted facilities or disposal onsite. The Environmental Impact Statement (EIS) is examining six alternatives, each of which contains a waste storage, retrieval, treatment and disposal component.

Most of the alternatives would require new facilities to be constructed and ground disturbance. All ground disturbing activities will be contained to the 200 West and 200 East Areas on the Hanford Site, as well as immediately east and west of the 200 East Areas (see Figure 1 and 2). Five of the six alternatives entail new construction within the fence lines of the 200 East Area, the 200 West Area and the Waste Treatment Plant (WTP) (Vitrification Plant), located east of the 200 East Area. Exceptions include a Waste Treatment Plant replacement to be located north of the current WTP, a Canister Storage Module (CSM) Area 2 to be located east of the current WTP, and an IHLW Preprocessing Facility and HLW Debris Storage Area to be located between the 200 East and West Areas. The proposed locations of these facilities are depicted in Figure 2.

The EIS is still in the conceptual stage and alternatives continue to evolve. Therefore, the project areas delineated in the attached maps are at this time general locations of project construction activities.

902 Battelle Boulevard • P.O. Box 999 • Richland, WA 99352

Telephone (509) 376-4626 ■ Email ellen.prendergast@pnl.gov ■ Fax (509) 376-2210

Enclosure to Washington State Department of Archaeology and Historic Preservation, September 3, 2003 *(continued)*

Charlotte Johnson
August 28, 2003
Page 2

Notifications and Public Involvement
On August 12, 2003, a notification letter was sent to the following:

- Per 36 CFR 800, the State Historic Preservation Officer (SHPO) and Tribes were notified of this cultural resources review request and the Area of Potential Effect (APE). The APE was defined as specific construction areas that are located both inside and outside of the 200 East and West Areas delineated in the attached map (Figure 2 and 3).

On August 12, 2003, the SHPO notified DOE that they concurred with the definition of the APE.

Identification of Historic Properties, Results of the Records Search and Literature Review
The Hanford Cultural Resources Laboratory (HCRL) conducted a records and literature search to identify historic properties in the APE of the project. The results indicate that most of the project area has been surveyed for cultural resources (HCRC# 88-200-046, 87-200-004, 87-200-012, 94-600-054, 88-200-038, 96-200-058, 92-200-007, 96-200-109, 97-200-002, 88-200-055, 88-200-015,93-200-001, 94-200-097, 93-600-004) (Figure 4 and 5). Two historic isolated finds consisting of historic cans (HI-88-024, 88-025) have been recorded in the CSM project area in the southwest corner of the 200 East area. One prehistoric isolated find, a cryptocrystalline silica (CCS) base of a projectile point (HI-88-004) was located and collected in the CSM Area 2 (east of the 200 East Area). A small portion of one of the arc roads that makes up the Hanford Atmospheric Dispersion Test Facility (HT-99-007) is located within the HLW Processing area, west of the 200 East Area. HT-99-007 has been evaluated and was determined to be a contributing property within the Manhattan Project and Cold War Era Historic District recommended for individual documentation. A Historic Property Inventory Form (HPIF) was completed and numerous artifacts were identified as having interpretive or educational value in potential exhibits. A selected, representative number of artifacts were removed and curated into the Hanford Collection. According to 2002 aerial photographs, many of the unsurveyed areas of the APE appear to be highly disturbed by Hanford construction activities. Approximately 190 acres are undisturbed and have not been surveyed (Figure 6-9).

On August 25 and 26, 2003, HCRL staff and cultural resources staff of the Nez-Perce Tribe and the Yakama Nation conducted a cultural resources survey of these areas (Figure 6-9). HT-2003-018 consisting of a small military refuse pile of cans and coke bottles was located in the CSM 2 project area southwest of the Waste Treatment Plant and slightly north of Route 4 South. This site is likely to be associated with National Register eligible Anti-Aircraft Artillery Site (H3-417) located approximately 400 meters south of HT-2003-018, on the south side of Route 4 South. HT-2003-018 is considered to be a noncontributing feature associated with the AAA site located south of 4 South and is therefore not considered to be eligible to the Register. A portion of one of the arc roads associated with HT-99-007 was encountered by the survey.

No input has been provided by tribes on the identification or potential impacts to traditional cultural properties (TCPs) at this time.

Findings
HCRL has determined that project activities will have no adverse affect on HT-99-007 as all mitigation activities in the form of documentation and collection of artifacts has been completed. Depending on the alternative chosen, the project will impact HT-2003-018. Although not eligible to the National Register, HCRL recommends that the project avoid this site if possible.

Enclosure to Washington State Department of Archaeology and Historic Preservation, September 3, 2003 *(continued)*

Charlotte Johnson
August 28, 2003
Page 3

The U.S. Department of Energy Cultural and Historic Resources Program will submit an official letter of documentation to the SHPO and Tribes of our findings. **Pursuant to 36CFR Section 800, SHPO, tribes have 30 days to respond in receipt of this letter. No project activities should begin until the SHPO has concurred with the findings stated above.**

All workers should be directed to watch for cultural materials (e.g. bones, artifacts) during all work activities. If any are encountered, work in the vicinity of the discovery must stop until an archaeologist has been notified, assessed the significance of the find, and, if necessary arranged for mitigation of the impacts to the find. The SHPO must be notified if any changes to project location or scope are anticipated. If you have any questions, please call me at 376-4626. Please use the HCRC# above for any future correspondence concerning this project.

Very truly yours,

Ellen Prendergast-Kennedy

Ellen Prendergast-Kennedy, M. A.
Research Scientist/Anthropologist
Cultural Resources Project

Concurrence: D. C. Stapp for

D. C. Stapp, Project Manager
Cultural Resources Project

Concurrence: E. Mattei for

Annabelle Rodriguez, Cultural and Historical Resources Program Manager
U. S. Department of Energy, Richland Operations Office

Attachments(s)

EPK: olk

cc: Annabelle Rodriguez (2) A5-15
Environmental Portal, A3-01
Mary Beth Burandt, H6-60
File/LB

Enclosure to Washington State Department of Archaeology and Historic Preservation, September 3, 2003 *(continued)*

Charlotte Johnson
August 28, 2003
Page 4

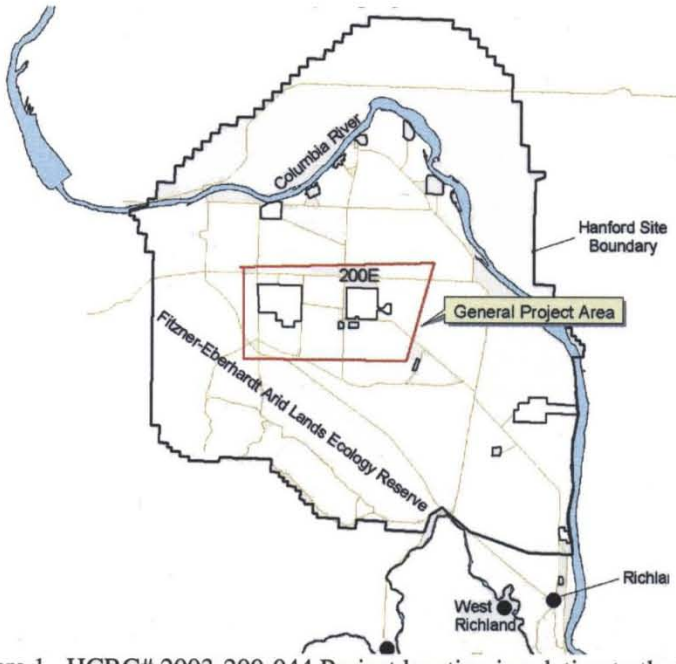


Figure 1. HCRC# 2003-200-044 Project location in relation to the Hanford Site.

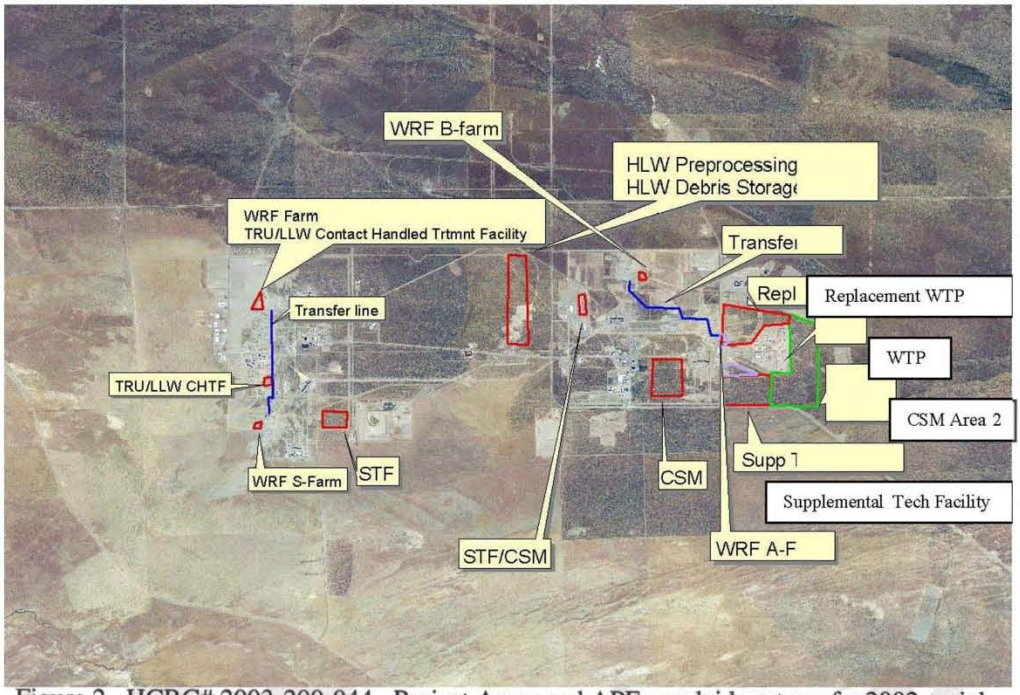


Figure 2. HCRC# 2003-200-044. Project Areas and APE overlaid on top of a 2002 aerial photograph.

Enclosure to Washington State Department of Archaeology and Historic Preservation, September 3, 2003 *(continued)*

Charlotte Johnson
August 28, 2003
Page 5

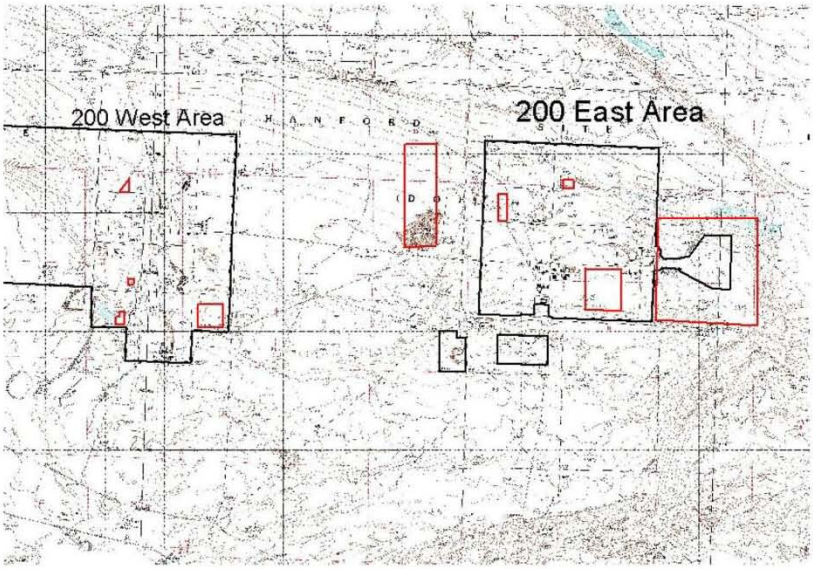


Figure 3. HCRC#2003-200-044 Project areas and APE on USGS Topography quadrangle maps.

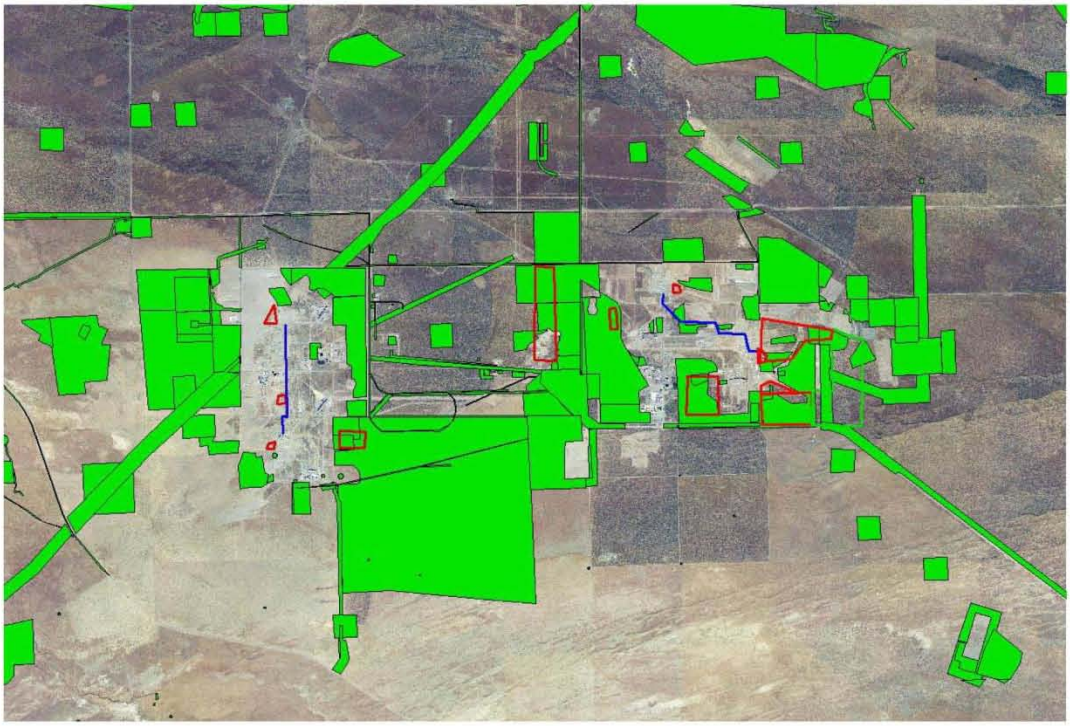


Figure 4. HCRC# 2003-200-044. Shaded/green areas depict areas surveyed for cultural resources in relation to project areas. Image also shows disturbance from 2002 aerial photographs.

Enclosure to Washington State Department of Archaeology and Historic Preservation, September 3, 2003 *(continued)*

Charlotte Johnson
August 28, 2003
Page 6

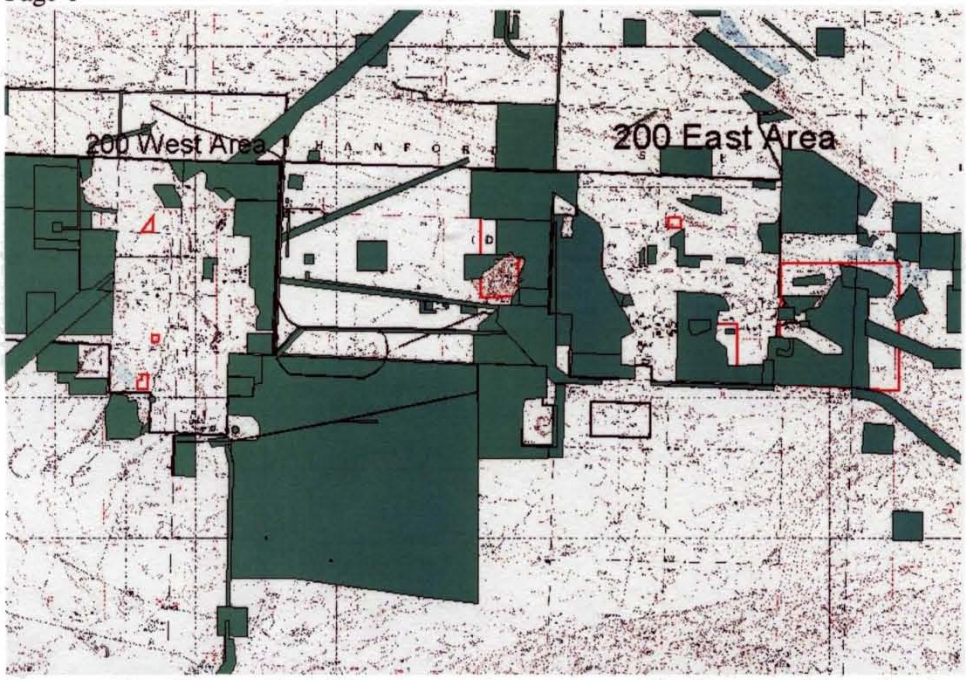


Figure 5. 2003-200-044. Shaded/green areas depict areas previously surveyed for cultural resources in relation to project areas on USGS Topography Quadrangle.

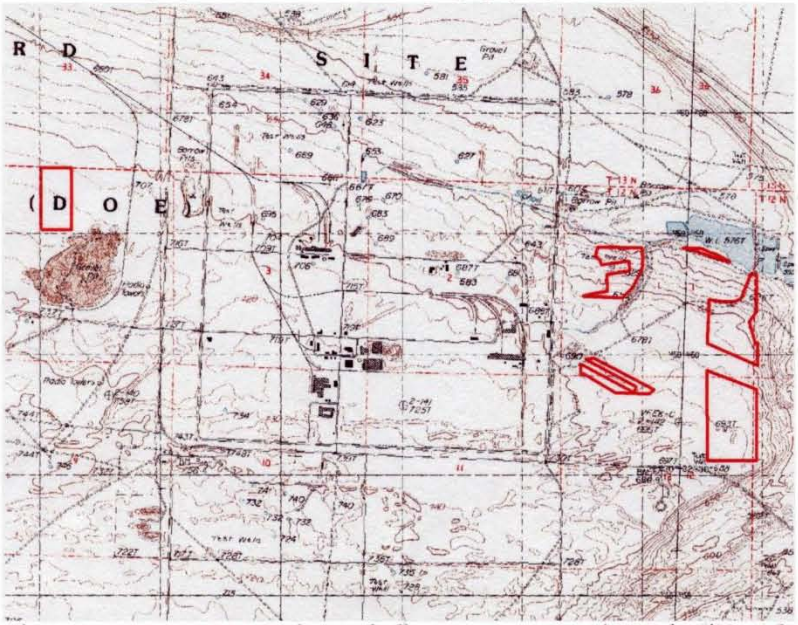


Figure 6. 2003-200-044. Red areas indicate areas surveyed on 8/25/03 and 8/26/03.

Enclosure to Washington State Department of Archaeology and Historic Preservation, September 3, 2003 *(continued)*

Charlotte Johnson
August 28, 2003
Page 7

Figure 7. 2003-200-044. Red areas indicate areas surveyed on 8/25/03 and 8/26/03 overlaid on 2002 aerial photograph.

Figure 8. 2003-200-044. Up close of areas surveyed on 8/25/03 and 8/26/03 west of 200 East Area (overlaid on 2002 aerial photograph).

Enclosure to Washington State Department of Archaeology and Historic Preservation, September 3, 2003 *(continued)*

Charlotte Johnson
August 28, 2003
Page 8

Figure 9. 2003-200-044. Up close of areas surveyed on 8/25/03 and 8/26/03 east of 200 East Area (overlaid on 2002 aerial photograph).

WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION – April 6, 2007

Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

07-SED-0218

APR 6 2007

Dr. Allyson Brooks
State Historic Preservation Officer
Department of Archaeology and Historic Preservation
Washington Department of Community,
Trade and Economic Development
P.O. Box 48343
Olympia, Washington 98504

Dear Dr. Brooks:

TRANSMITTAL OF AREA OF POTENTIAL EFFECT (APE) FOR TANK CLOSURE AND WASTE MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT (TC & WM EIS) FOR THE HANFORD SITE, RICHLAND, WASHINGTON

The purpose of this letter is to initiate the National Historic Preservation Act (NHPA) Section 106 process and to provide your office with the APE for the proposed activities under evaluation in the TC & WM EIS. This notification is in accordance with 36 CFR Part 800.4(a). The Notice of Intent (NOI) to prepare the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington which describes the project, was published February 2, 2006 in the Federal Register (Enclosure1). The project is determined to be an undertaking that may affect historic properties. In accordance with 36 CFR 800.8, the U.S. Department of Energy, Richland Operations Office (RL) plans to coordinate its NHPA Section 106 review with the ongoing EIS process which will consider all aspects of the cultural environment.

The NHPA Section 106 process for "Borrow Area C" was started in coordination with the Hanford Site Solid Waste EIS (HSW EIS). DOE received feedback at that time indicating that other areas should be considered in the APE, including Rattlesnake Mountain and its viewshed. RL subsequently decided to consolidate several proposed actions into the scope of the TC & WM EIS as described in the NOI. The APE is based on the TC & WM NOI, and includes areas with auditory or visual effects (Enclosure 2, maps and figures).

The regulations for protection of historic properties, at 36 CFR 800.4(b)(2), allow for a phased approach for the identification and evaluation of historic properties. The alternatives under consideration consist of multiple large land areas and RL may use a phased approach to identify and evaluate historic properties. For example, a February 2006 cultural resource review (HCRC# 2006-600-008) was prepared for a portion of "Borrow Area C." That project is proceeding under a Comprehensive Environmental Response, Compensation, and Liability Act review which incorporates National Environmental Policy Act values. Based on comments received, RL plans to prepare a Memorandum of Agreement for that portion of the project and will provide a draft to your office and area Tribes for review.

WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION – April 6, 2007 *(continued)*

Dr. Allyson Brooks -2- APR 6 2007
07-SED-0218

Rattlesnake Mountain, Gable Butte, Gable Mountain, and Goose Egg Hill are known to be revered by area tribes for traditional, cultural and spiritual reasons, and have been treated by RL as traditional cultural properties. Surveys, are being planned for the first and second weeks of April 2007. Area Tribal cultural representatives have been invited to participate in the surveys.

If you have any questions, please contact Pete J. Garcia, Jr., Director, Safety and Engineering Division, on (509) 372-1909.

Sincerely,

for D S Shoop

Doug S. Shoop, Assistant Manager
for Safety and Engineering

SED:ALR

Enclosures
1. Federal Register, Vol 71, No. 22
2. Maps and Viewshed Photos

cc w/encls:
A. Stanfill, ACHP

cc w/o encls:
E.P. Kennedy, PNNL

Enclosure 1 to Washington State Department of Archaeology and Historic Preservation, April 6, 2007 – Notice of Intent

ENCLOSURE 1

FEDERAL REGISTER
VOL 71, NO. 22
THURSDAY, FEBRUARY 2, 2006

DEPARTMENT OF ENERGY
NOTICE OF INTENT TO PREPARE THE
TANK CLOSURE AND WASTE MANAGEMENT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE
HANFORD SITE, RICHLAND, WASHINGTON

Enclosure 1 to Washington State Department of Archaeology and Historic Preservation, April 6, 2007 – Notice of Intent *(continued)*

addressed as follows: Office of Electricity Delivery & Energy Reliability (Mail Code OE–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–586–5860).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On December 14, 2005, the Department of Energy (DOE) received an application from MAG E.S. to transmit electric energy from the United States to Canada. MAG E.S. is a Canadian corporation with its principal place of business in Montreal, Quebec. MAG E.S. has requested an electricity export authorization with a 5-year term. MAG E.S. does not own or control any transmission or distribution assets, nor does it have a franchised service area. The electric energy which MAG E.S. proposes to export to Canada would be purchased from electric utilities and Federal power marketing agencies within the U.S.

MAG E.S. will arrange for the delivery of exports to Canada over the international transmission facilities owned by Basin Electric Power Cooperative, Booneville Power Administration, Eastern Maine Electric Cooperative, International Transmission Co., Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power, Inc., Minnkota Power Cooperative, Inc., New York Power Authority, Niagara Mohawk Power Corp., Northern States Power Company and Vermont Electric Transmission Co.

The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by MAG E.S. has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the MAG E.S. application to export electric energy to Canada should be clearly marked with Docket EA–306. Additional copies are to be filed directly with Martin Gauthier, Director, MAG E.S. Energy Solutions Inc., 486 Ste-Catherine W, #402, Montreal, QC, Canada H3B 1A6.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the program's Home Page at *http://www.electricity.doe.gov*. Upon reaching the Home page, select "Divisions," then "Permitting Siting & Analysis," then "Electricity Imports/Exports," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on January 26, 2006.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E6–1392 Filed 2–1–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) announces its intent to prepare a new environmental impact statement (EIS) for its Hanford Site (Hanford) near Richland, Washington, pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 CFR Parts 1500–1508 and 10 CFR Part 1021. The new EIS, to be titled the *Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington* (TC & WM EIS), will implement a Settlement Agreement announced on January 9, 2006, among DOE, the Washington State Department of Ecology (Ecology) and the State of Washington Attorney General's office. The Agreement serves as settlement of NEPA claims in the case *State of Washington* v. *Bodman* (Civil No. 2:03–cv–05018–AAM), which addressed the *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program EIS, Richland, Washington* (HSW EIS, DOE/EIS–0286, January 2004).

Ecology will continue its role as a Cooperating Agency in the preparation of the TC & WM EIS. Ecology already was acting in that capacity during the ongoing preparation of the *EIS for Retrieval, Treatment and Disposal of Tank Waste and Closure of the Single-Shell Tanks at the Hanford Site, Richland, Washington* (TC EIS, DOE/EIS–0356, Notice of Intent [NOI] at 68 FR 1052, January 8, 2003). The TC & WM EIS will revise, update and reanalyze groundwater impacts previously addressed in the HSW EIS. That is, the TC & WM EIS will provide a single, integrated analysis of groundwater at Hanford for all waste types addressed in the HSW EIS and the TC EIS. As a result, the TC & WM EIS will include a reanalysis of onsite disposal alternatives for Hanford's low-level radioactive waste (LLW) and mixed low-level radioactive waste (MLLW) and LLW and MLLW from other DOE sites. The TC & WM EIS will revise and update other potential impact areas previously addressed in the HSW EIS as appropriate. Finally, the TC & WM EIS will incorporate existing analyses from the HSW EIS that do not affect and are not directly affected by the waste disposal alternatives after review or revision as appropriate. DOE will continue its ongoing analysis of alternatives for the retrieval, treatment, storage, and disposal of underground tank wastes and closure of underground single-shell tanks (SST). In addition, DOE plans to include the ongoing *Fast Flux Test Facility Decommissioning EIS* (FFTF EIS, DOE/EIS–0364, NOI at 69 FR 50178, August 13, 2004) in the scope of the new TC & WM EIS, in order to provide an integrated presentation of currently foreseeable activities related to waste management and cleanup at Hanford.

In accordance with the Settlement Agreement, DOE will not ship offsite waste to Hanford for storage, processing, or disposal until a Record of Decision (ROD) is issued pursuant to the TC & WM EIS, except under certain limited exemptions as provided in the Settlement Agreement.

DOE is soliciting comments on the proposed scope of the new TC & WM EIS. Comments previously submitted in response to the 2003 NOI for the TC EIS and the 2004 NOI for the FFTF EIS are being considered and need not be resubmitted.

Enclosure 1 to Washington State Department of Archaeology and Historic Preservation, April 6, 2007 – Notice of Intent *(continued)*

DATES: DOE invites Federal agencies, American Indian tribal nations, state and local governments, and the public to comment on the scope of the planned TC & WM EIS. DOE will consider all comments received by March 6, 2006, as well as comments received after that date to the extent practicable. DOE plans to hold public meetings at the following locations:

Hood River, Oregon; February 21, 2006.

Portland, Oregon; February 22, 2006.

Seattle, Washington; February 23, 2006.

Richland, Washington, February 28, 2006.

The public meetings will address the scope of the planned TC & WM EIS. DOE will provide additional notification of the meeting times and locations through newspaper advertisements and other appropriate media.

ADDRESSES: To submit comments on the scope of the TC & WM EIS or to request copies of the references listed herein, including references listed in Appendix A, contact: Mary Beth Burandt, Document Manager, Office of River Protection, U.S. Department of Energy, Post Office Box 450, Mail Stop H6–60, Richland, WA 99352. Electronic mail: *TC&WMEIS@saic.com*. Fax: 509–376–3661. Telephone and voice mail: 509–373–9160.

FOR FURTHER INFORMATION CONTACT: For information on DOE's NEPA process, contact: Carol Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone 202–586–4600, or leave a message at 1–800–472–2756.

This NOI will be available on DOE's NEPA Web site at *http://www.eh.doe.gov/nepa* and the TC & WM EIS Web site at *http://www.hanford.gov/orp/* (click on Public Involvement).

SUPPLEMENTARY INFORMATION:

I. Background

The Hanford Site is located in southeastern Washington State along the Columbia River, and is approximately 586 square miles in size. Hanford's mission included defense-related nuclear research, development, and weapons production activities from the early 1940s to approximately 1989. During that period, Hanford operated a plutonium production complex with nine nuclear reactors and associated processing facilities. These activities created a wide variety of chemical and radioactive wastes. Hanford's mission now is focused on the cleanup of those wastes and ultimate closure of Hanford. To this end, DOE manages several types of radioactive wastes at Hanford: (1) High-level radioactive waste (HLW) as defined under the Nuclear Waste Policy Act [42 U.S.C. 10101]; (2) transuranic (TRU) waste, which is waste containing alpha-particle-emitting radionuclides with atomic numbers greater than uranium [*i.e.*, 92) and half-lives greater than 20 years in concentrations greater than 100 nanocuries per gram of waste; (3) LLW, which is radioactive waste that is neither HLW nor TRU waste; and (4) MLLW, which is LLW containing hazardous constituents as defined under the Resource Conservation and Recovery Act of 1976 (RCRA, 42 U.S.C. 6901 *et seq.*).

At present, DOE is constructing a Waste Treatment Plant (WTP) in the 200-East Area of the site. The WTP will separate waste stored in Hanford's underground tanks into HLW and low-activity waste (LAW) fractions. HLW will be treated in the WTP and stored at Hanford until it can be shipped to the proposed repository at Yucca Mountain, Nevada. Immobilized LAW waste would be treated in the WTP and disposed of at Hanford as decided in the ROD issued in 1997 (62 FR 8693), pursuant to the *Tank Waste Remediation System, Hanford Site, Richland, Washington, Final EIS* (TWRS EIS, DOE/EIS–0189, August 1996). DOE is processing Hanford's contact-handled TRU waste (which does not require special protective shielding) for shipment to the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico, consistent with the 1998 RODs (63 FR 3624 and 63 FR 3629) for treatment and disposal of TRU waste under the *Final Waste Management Programmatic EIS for Managing Treatment, Storage, and Disposal of Radioactive and Hazardous Waste* (WM PEIS, DOE/EIS–0200) and the *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement* (WIPP SEIS-II, DOE/EIS–0026–S–2, September 1997). DOE is disposing of Hanford's LLW and MLLW onsite, consistent with the ROD for treatment and disposal of these wastes under the WM PEIS (65 FR 10061). This ROD also designates Hanford as a regional disposal site for LLW and MLLW from other DOE sites.

In January 2003, DOE issued an NOI (68 FR 1052) to prepare the TC EIS (DOE/EIS–0356). The proposed scope of the TC EIS included closure of the 149 underground SSTs and newly available information on supplemental treatment for the LAW from all 177 tanks, which contain a total of approximately 53 million gallons of waste.

In March 2003, Ecology initiated litigation on issues related to importation, treatment, and disposal of radioactive and hazardous waste generated offsite as a result of nuclear defense and research activities. The Court enjoined shipment of offsite TRU waste to Hanford for processing and storage pending shipment to WIPP.

In January 2004, DOE issued the HSW EIS and a ROD (69 FR 39449), which addressed ongoing solid waste management operations, and announced DOE's decision to dispose of Hanford and a limited volume of offsite LLW and MLLW in a new Integrated Disposal Facility in the 200-East Area of Hanford. DOE also decided to continue sending Hanford's MLLW offsite for treatment and to modify Hanford's T-Plant for processing remote-handled TRU waste and MLLW (which require protective shielding).

Ecology amended its March 2003 complaint in 2004, challenging the adequacy of the HSW EIS analysis of offsite waste importation. In May 2005, the Court granted a limited discovery period, continuing the injunction against shipping offsite wastes to Hanford, including LLW and MLLW (*State of Washington* v. *Bodman* [Civil No. 2:03–cv–05018–AAM]). In July 2005, while preparing responses to discovery requests from Ecology, Battelle Memorial Institute, DOE's contractor who assisted in preparing the HSW EIS, advised DOE of several differences in groundwater analyses between the HSW EIS and its underlying data.

DOE promptly notified the Court and the State and, in September 2005, convened a team of DOE experts in quality assurance and groundwater analysis, as well as transportation and human health and safety impacts analysis, to conduct a quality assurance review of the HSW EIS. The team completed its *Report of the Review of the Hanford Solid Waste Environmental Impact Statement* (EIS) *Data Quality, Control and Management Issues*, January 2006 (hereafter referred to as the Quality Review).

Because both Ecology and DOE have a shared interest in the effective cleanup of Hanford, DOE and Ecology announced a Settlement Agreement ending the NEPA litigation on January 9, 2006. The Agreement is intended to resolve Ecology's concerns about HSW EIS groundwater analyses and to address other concerns about the HSW EIS, including those identified in the *Quality Review*.

The Agreement calls for an expansion of the TC EIS to provide a single, integrated set of analyses that will include all waste types analyzed in the HSW EIS (LLW, MLLW, and TRU

Enclosure 1 to Washington State Department of Archaeology and Historic Preservation, April 6, 2007 – Notice of Intent *(continued)*

waste). The expanded EIS will be renamed the TC & WM EIS. Pending finalization of the TC & WM EIS, the HSW EIS will remain in effect to support ongoing waste management activities at Hanford (including transportation of TRU waste to WIPP) in accordance with applicable regulatory requirements. The Agreement also stipulates that when the TC & WM EIS has been completed, it will supersede the HSW EIS. Until that time, DOE will not rely on HSW EIS groundwater analyses for decision-making, and DOE will not import offsite waste to Hanford, with certain limited exemptions as specified in the Agreement.

DOE and Ecology have mutual responsibilities for accomplishing cleanup of Hanford, as well as continuing ongoing waste management activities consistent with applicable Federal and state laws and regulations. *The Hanford Federal Facility Agreement and Consent Order* (also called the Tri-Party Agreement [TPA]) among the state, DOE, and the U.S. Environmental Protection Agency (EPA) contains various enforceable milestones that apply to waste management activities. DOE also is required to comply with applicable requirements of RCRA and the state's Hazardous Waste Management Act of 1976 as amended (Chapter 70.105 Revised Code of Washington). To carry out proposals for future actions and obtain necessary permits, each agency must comply with the applicable provisions of NEPA and the Washington State Environmental Policy Act (SEPA) respectively. The agencies have revised their Memorandum of Understanding for the TC EIS (effective March 25, 2003), which identified Ecology as a Cooperating Agency in the preparation of the TC EIS. The Memorandum of Understanding revision is consistent with the Settlement Agreement and provides for Ecology's continuing participation as a Cooperating Agency in preparation of the TC & WM EIS to assist both agencies in meeting their respective responsibilities under NEPA and SEPA.

II. Purpose and Need for Action

Recognizing the potential risks to human health and the environment from Hanford tank wastes, DOE needs to retrieve waste from the 149 SSTs and 28 double-shell tanks (DST), treat and dispose of the waste, and close the SST farms in a manner that complies with Federal and Washington State requirements. Some waste from tanks and LLW and MLLW from Hanford and other DOE sites that do not have appropriate facilities must be disposed of to facilitate cleanup of Hanford and these sites.

III. Proposed Action

DOE proposes to retrieve and treat waste from 177 underground tanks and ancillary equipment and dispose of this waste in compliance with applicable regulatory requirements. Vitrified HLW waste would be stored onsite until it can be disposed of in the proposed repository at Yucca Mountain. DOE proposes to provide additional treatment capacity for the tank LAW that can supplement the planned WTP capacity in fulfillment of DOE's obligations under the TPA in as timely a manner as possible. DOE would dispose of Hanford's immobilized LAW, LLW and MLLW, and LLW and MLLW from other DOE sites, in lined trenches onsite. These trenches would be closed in accordance with applicable regulatory requirements.

DOE also proposes to complete the final decontamination and decommissioning of the FFTF. DOE decided, in January 2001, (ROD at 66 FR 7877) that the permanent closure of FFTF was to be resumed with no new missions, based on the *Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility (DOE/EIS–0310, December 2000).*

IV. Proposed Scope of the TC & WM EIS

In accordance with the Settlement Agreement, DOE intends to prepare a single, comprehensive EIS addressing tank waste retrieval, treatment, storage, and disposal; tank closure; and management of all waste types analyzed in the HSW EIS as an integrated document for public and agency review and reference. The TC & WM EIS will update, revise, or reanalyze resource areas (such as groundwater and transportation) from the HSW EIS as necessary to make them current and reflect the waste inventories and analytical assumptions being used for environmental impact assessment in the TC & WM EIS. All updated analyses would be included in the revised quantitative groundwater and other cumulative impact analyses in the TC & WM EIS.

The proposed scope of the TC & WM EIS includes alternatives for onsite disposal of LLW, MLLW, and LAW; transportation of offsite LLW and MLLW to Hanford for disposal; and current or revised information for ongoing operations, such as those involving Hanford's Central Waste Complex, that were included in the HSW EIS.

DOE proposes to retain all of the scope identified in the 2003 NOI for the TC EIS as modified by public scoping comments. Proposed modifications to the alternatives identified in the 2003 NOI are provided in Section VI. That is, the new TC & WM EIS would address management of the approximately 53 million gallons of waste stored in 149 underground SSTs (ranging in capacity from approximately 55,000 to 1 million gallons) and 28 underground DSTs (ranging in capacity from approximately 1 to 1.16 million gallons) grouped in 18 tank farms, and approximately 60 smaller miscellaneous underground storage tanks, along with ancillary equipment.

DOE proposes to retain all of the scope identified in its August 2004 NOI to evaluate alternatives for the final disposition of the FFTF and proposes to integrate that scope into the TC & WM EIS. The TC & WM EIS will thus provide an integrated presentation of currently foreseeable activities related to waste management and cleanup at Hanford.

V. Potential Decisions To Be Made

DOE plans to make decisions on the following topics.

- *Retrieval of Tank Waste*—A reasonable waste retrieval range is comprised of three levels: 90 percent, 99 percent, and 99.9 percent. The 99 percent retrieval is the goal established by the TPA (Milestone M–45–00); 90 percent retrieval evaluates a risk analysis of the tank farms as defined in the M–45–00, Appendix H, process; and 99.9 percent retrieval reflects uses of multiple retrieval technologies to support clean closure of the tank farms.
- *Treatment of Tank Waste*—WTP waste treatment capability can be augmented by supplemental treatment technologies and constructing new treatment facilities that are part of, or separate from, the WTP. The two primary choices that could fulfill DOE's TPA commitments are to treat all waste in an expanded WTP or provide supplemental treatment to be used in conjunction with, but separate from, the WTP. DOE has conducted preliminary tests on three supplemental treatment technologies—cast stone (a form of grout), steam reforming, and bulk vitrification—to determine if one or more could be used to provide the additional, supplemental waste treatment capability needed to complete waste treatment.
- *Disposal of Treated Tank Waste*—Onsite disposal includes treated tank waste such as immobilized LAW and

Enclosure 1 to Washington State Department of Archaeology and Historic Preservation, April 6, 2007 – Notice of Intent *(continued)*

waste generated from closure activities that meets onsite disposal criteria; the decision to be made involves the onsite location of disposal facilities. Decisions to be made related to offsite disposal include the length of time and facilities required for storage of immobilized high-level radioactive waste (IHLW) prior to disposal at the proposed Yucca Mountain repository.

• *Storage of Tank Waste*—Depending on the alternative being analyzed, storing tank waste for different lengths of time may be necessary. This may require the construction, operation, and deactivation of waste transfer infrastructures, including waste receiver facilities (below-grade lag storage and minimal waste treatment facilities), waste transfer line upgrades, and new or replacement DSTs. Also depending on the alternative, construction and operation of additional immobilized HLW storage vaults, melter pads, and TRU waste storage facilities needed to store treated tank waste.

• *Closure of SSTs*—Decisions to be made include closing the SSTs by clean closure, selective clean closure/landfill closure, and landfill closure with or without any soil contamination removal. Decisions regarding barriers (engineered modified RCRA Subtitle C barrier or Hanford barrier) to prevent water intrusion will be made. A closure configuration for the original 28 DSTs will be evaluated in the TC & WM EIS for engineering reasons related to barrier placement for the SSTs. This evaluation also is provided to aid Ecology in evaluating the impacts which might result in closing DSTs to a debris rule standard. However, DOE is deferring a decision on closure of DSTs and decommissioning of the WTP until a later date when the mission for those facilities is nearing completion.

• *Disposal of Hanford's and DOE Offsite LLW and MLLW*—The decision to be made concerns the onsite location of disposal facilities for Hanford's waste and other DOE sites' LLW and MLLW. DOE committed in the HSW EIS ROD that henceforth LLW would be disposed of in lined trenches. Thus, the decision would concern whether to dispose of the waste in the 200-West Area or at the Integrated Disposal Facility in the 200-East Area.

• *Final Decontamination and Decommissioning of the FFTF*—The decision would identify the final end state for the above-ground, below-ground, and ancillary support structures.

VI. Potential Range of Alternatives

Six alternatives were originally proposed for TC EIS and are listed below. The initial scope of the TC EIS was provided in the January 2003 NOI and at each public scoping meeting.

• No Action Alternative, which was to implement the 1997 TWRS EIS ROD;

• Implement the 1997 TWRS EIS ROD with Modifications;

• Landfill Closure of Tank Farms/Onsite and Offsite Waste Disposal;

• Clean Closure of Tank Farms/Onsite and Offsite Waste Disposal;

• Accelerated Landfill Closure/Onsite and Offsite Waste Disposal; and

• Landfill Closure/Onsite and Offsite Waste Disposal.

Onsite disposal would include immobilized LAW, LLW, and MLLW resulting from tank retrieval and treatment. Offsite disposal of HLW would occur at Yucca Mountain. No determination has been made as to whether any of the tanks contain TRU waste. If it is determined that any tank waste is TRU waste, offsite disposal at WIPP would be appropriate, provided the required approvals from EPA and the New Mexico Environment Department were obtained.

As a result of the 2003 scoping for the TC EIS, a number of changes are being made to those identified in the NOI. The major changes are:

• The No Action Alternative was modified to address a traditional "no action" rather than the action from the TWRS EIS ROD;

• The alternative addressing implementation of the 1997 TWRS EIS ROD was modified to address both the currently planned vitrification capacity and the currently planned capacity supplemented with additional vitrification capacity as the supplemental treatment;

• A partial tank removal option was added, which analyzes leaving some of the SSTs in place and exhuming the SSTs completely in the SX and BX tank farms;

• The Landfill Closure of Tank Farms/Onsite and Offsite Waste Disposal Alternative has been modified to more clearly evaluate the No Separations (of HLW and LAW waste) with Onsite Storage and Offsite Disposal Alternative; and

• A suboption has been added to both the All Vitrification with Separations and All Vitrification/No Separations (of HLW and LAW waste) Alternatives to address closure of the cribs and trenches proximal to tanks within identified waste management areas in place as opposed to removing them.

For Hanford and offsite LLW and MLLW analyzed in the HSW EIS, DOE proposes to simplify the alternatives. Both waste types would be disposed of in lined trenches. DOE plans to update the volumes to be disposed of, approximating those volumes for offsite waste in the 2004 HSW EIS ROD, and to update the waste information. DOE also intends to update the transportation analysis of shipping offsite waste to Hanford for disposal. The onsite disposal alternatives are:

• Construction of a new disposal facility in the 200-West Area burial grounds; and

• Construction of new LLW and MLLW capacity in the Integrated Disposal Facility in the 200-East Area.

For the FFTF, the 2004 NOI identified three alternatives as listed below.

• No Action—actions consistent with previous DOE NEPA decisions would be completed; final decommissioning would not occur.

• Entombment—above-ground structures would be decontaminated and dismantled, below-ground structures would be grouted and left in place.

• Removal—above-ground structures would be decontaminated and dismantled, below-ground structures would be removed and disposed of at Hanford.

VII. Potential Environmental Issues for Analysis

The following issues have been tentatively identified for analysis in the TC & WM EIS. This list is presented to facilitate comment on the scope of the TC & WM EIS, but is not intended to be all-inclusive or to predetermine potential impacts of any alternative.

• Effects on the public and onsite workers of radiological and nonradiological material releases during normal operations and reasonably foreseeable accidents;

• Long-term risks to human populations resulting from waste disposal and residual tank system wastes;

• Effects on air and water quality of normal operations and reasonably foreseeable accidents, including long-term impacts on groundwater;

• Cumulative effects, including impacts of other past, present, and reasonably foreseeable actions at Hanford, including past discharges to cribs and trenches, groundwater remediation activities, activities subject to TPA requirements and cleanup activities under the Comprehensive Environmental Response, Compensation, and Liability Act;

• Effects on endangered species, archaeological/cultural/historical sites, floodplains and wetlands, and priority habitat;

• Effects of on- and offsite transportation and of reasonably

Enclosure 1 to Washington State Department of Archaeology and Historic Preservation, April 6, 2007 – Notice of Intent *(continued)*

foreseeable transportation accidents; and

- Socioeconomic impacts on surrounding communities.

VIII. Public Scoping

DOE invites Federal agencies, American Indian tribal nations, state and local governments, and the general public to comment on the scope of the planned TC & WM EIS. Information on the scoping comment period is provided in the **DATES** section above. Comments previously submitted in response to the 2003 NOI for the TC EIS and the 2004 NOI for the FFTF EIS are being considered and need not be resubmitted.

Issued in Washington, DC, on January 30, 2006.

John Spitaleri Shaw,

Assistant Secretary for Environment, Safety and Health.

Appendix A—Related National Environmental Policy Act Documents

45 FR 46155, 1980, "Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Washington; Record of Decision," **Federal Register.**

53 FR 12449, 1988, "Disposal of Hanford Defense High-Level, Transuranic, and Tank Wastes, Hanford Site, Richland, Washington; Record of Decision," **Federal Register.**

60 FR 28680, 1995, "Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Program, Part III; Record of Decision," **Federal Register.**

60 FR 54221, 1995, "Final Environmental Impact Statement for the Safe Interim Storage of Hanford Tank Wastes at the Hanford Site, Richland, Washington; Record of Decision," **Federal Register.**

60 FR 61687, 1995, "Record of Decision; Safe Interim Storage of Hanford Tank Wastes, Hanford Site, Richland, Washington," **Federal Register.**

61 FR 3922, 1996, "Availability of the Final Environmental Impact Statement for Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, Washington; Notice of Availability of Final Environmental Impact Statement," **Federal Register.**

61 FR 10736, 1996, "Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, Washington; Record of Decision," **Federal Register.**

62 FR 8693, 1997, "Record of Decision for the Tank Waste Remediation System, Hanford Site, Richland, Washington," **Federal Register.**

63 FR 3624, 1998, "Record of Decision for the Department of Energy's Waste Isolation Pilot Plant Disposal Phase," **Federal Register.**

63 FR 3629, 1998, "Record of Decision for the Department of Energy's Waste Management Program: Treatment and Storage of Transuranic Waste," **Federal Register.**

65 FR 10061, 2000, "Record of Decision for the Department of Energy's Waste Management Program: Treatment and Disposal of Low-Level Waste and Mixed Low-Level Waste; Amendment to the Record of Decision for the Nevada Test Site," **Federal Register.**

69 FR 39449, 2004, "Record of Decision for the Solid Waste Program, Hanford Site, Richland, Washington: Storage and Treatment of Low-Level Waste and Mixed Low-Level Waste; Disposal of Low-Level Waste and Mixed Low-Level Waste, and Storage, Processing, and Certification of Transuranic Waste for Shipment to the Waste Isolation Pilot Plant, **Federal Register.**

DOE/EA–0479, 1990, *Collecting Crust Samples from Level Detectors in Tank SY–101 at the Hanford Site,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0495, 1991, *Preparation of Crust Sampling of Tank 241–SY–101,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0511, 1991, *Characterization of Tank 241–SY–101,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0581, 1991, *Upgrading of the Ventilation System at the 241–SY Tank Farm,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0802, 1992, *Tank 241–SY–101 Equipment Installation and Operation to Enhance Tank Safety,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0803, 1992, *Proposed Pump Mixing Operations to Mitigate Episodic Gas Releases in Tank 241–SY–101,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0881, 1993, Tank 241–C–103 *Organic Vapor and Liquid Characterization and Supporting Activities,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0933, 1995, *Tank 241–C–106 Past Practice Sluicing Waste Retrieval,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0993, 1995, *Shutdown of the Fast Flux Test Facility, Hanford Site, Richland, Washington and Finding of No Significant Impact.*

DOE/EA–0981, 1995, *Environmental Assessment—Solid Waste Retrieval Complex, Enhanced Radioactive and Mixed Waste Storage Facility, Infrastructure Upgrades, and Central Waste Support Complex, Hanford Site, Richland, Washington,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EA–1203, 1997, *Trench 33 Widening in 218–W–5 Low-Level Burial Ground,* U.S. Department of Energy, Richland, Washington.

DOE/EA–1276, 1999, *Widening Trench 36 of the 218–E–12B Low-Level Burial Ground,* U.S. Department of Energy, Richland, Washington.

DOE/EA–1405, 2002, *Transuranic Waste Retrieval from the 218–W–4B and 218–W–4C Low-Level Burial Grounds, Hanford Site, Richland, Washington,* Finding of No Significant Impact, U.S. Department of Energy, Richland, Washington.

DOE/EIS–0113, 1987, *Final Environmental Impact Statement—Disposal of Hanford Defense High-Level, Transuranic, and Tank Wastes, Hanford Site, Richland, Washington,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0212, 1995, *Safe Interim Storage of Hanford Tank Wastes—Final Environmental Impact Statement,* U.S. Department of Energy, Richland Operations Office, Richland, Washington, and Washington State Department of Ecology, Olympia, Washington.

DOE/EIS–0189, 1996, *Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement,* U.S. Department of Energy, Richland Operations Office, Richland, Washington, and Washington State Department of Ecology, Olympia, Washington.

DOE/EIS–0189–SA1, 1997, *Supplement Analysis for the Proposed Upgrades to the Tank Farm Ventilation, Instrumentation, and Electrical Systems under Project W–314 in Support of Tank Farm Restoration and Safe Operations,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0189–SA2, 1998, *Supplement Analysis for the Tank Waste Remediation System,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0189–SA3, 2001, *Supplement Analysis for the Tank Waste Remediation System,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0200, 1997, *Final Waste Management Programmatic Environmental Impact Statement for Managing Treatment, Storage, and Disposal of Radioactive and Hazardous Waste,* U.S. Department of Energy, Office of Environmental Management, Washington, DC.

DOE/EIS–0026–S–2, 1997, *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement II,* U.S. Department of Energy, Carlsbad, New Mexico.

DOE/EIS–0222, 1999, *Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0310, 2000, *Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility.*

DOE/EIS–0250, 2002, *Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada,* U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Yucca Mountain Site Characterization Office, North Las Vegas, Nevada.

DOE/EIS–0287, 2002, *Idaho High-Level Waste and Facilities Disposition Final Environmental Impact Statement,* U.S. Department of Energy, Idaho Operations Office, Idaho Falls, Idaho.

DOE/EIS–0286, 2004, *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, Richland, Washington,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

Enclosure 1 to Washington State Department of Archaeology and Historic Preservation, April 6, 2007 – Notice of Intent *(continued)*

DOH Publication 320–031, 2004, *Final Environmental Impact Statement—Commercial Low-Level Radioactive Waste Disposal Site, Richland, Washington,* Washington State Department of Health, Olympia, Washington, and Washington State Department of Ecology, Olympia, Washington.

U.S. Department of Energy, 2006, *Report of the Review of the Hanford Solid Waste Environmental Impact Statement (EIS) Data Quality, Control and Management Issues,* Washington, DC.

[FR Doc. E6–1404 Filed 2–1–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Considerations for Transmission Congestion Study and Designation of National Interest Electric Transmission Corridors

AGENCY: Office of Electricity Delivery and Energy Reliability ("OE"), Department of Energy.

ACTION: Notice of inquiry requesting comment and providing notice of a technical conference.

SUMMARY: The Department of Energy (the "Department") seeks comment and information from the public concerning its plans for an electricity transmission congestion study and possible designation of National Interest Electric Transmission Corridors ("NIETCs") in a report based on the study pursuant to section 1221(a) of the Energy Policy Act of 2005. Through this notice of inquiry, the Department invites comment on draft criteria for gauging the suitability of geographic areas as NIETCs and announces a public technical conference concerning the criteria for evaluation of candidate areas as NIETCs.

DATES: Written comments may be filed electronically in MS Word and PDF formats by e-mailing to: *EPACT1221@hq.doe.gov* no later than 5 p.m. EDT March 6, 2006. Also, comments can be filed by mail at the address listed below. The technical conference will be held in Chicago on March 29, 2006. For further information, please visit the Department's Web site at *http://www.electricity.doe.gov/1221.*

ADDRESSES: Written comments via mail should be submitted to:

Office of Electricity Delivery and Energy Reliability, OE–20, Attention: EPACT 1221 Comments, U.S. Department of Energy, Forestall Building, Room 6H–050, 1000 Independence Avenue, SW., Washington, DC 20585.

Note: U.S. Postal Service mail sent to the Department continues to be delayed by several weeks due to security screening. Electronic submission is therefore encouraged. Copies of written comments received and other relevant documents and information may be reviewed at *http://www.electricity.doe.gov/1221.*

FOR FURTHER INFORMATION CONTACT: Ms. Poonum Agrawal, Office of Electricity Delivery and Energy Reliability, OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–1411, *poonum.agrawal@hq.doe.gov,* or Lot Cooke, Office of the General Counsel, GC–76, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 588–0503, *lot.cooke@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Overview

The Nation's electric system includes over 150,000 miles of interconnected high-voltage transmission lines that link generators to load centers.[1] The electric system has been built by electric utilities over a period of 100 years, primarily to serve local customers and support reliability; the system generally was not constructed with a primary emphasis on moving large amounts of power across multi-state regions.[2] Due to a doubling of electricity demand and generation over the past three decades and the advent of wholesale electricity markets, transfers of large amounts of electricity across the grid have increased significantly in recent years. The increase in regional electricity transfers saves electricity consumers billions of dollars,[3] but significantly increases transmission facility loading.

Investment in new transmission facilities has not kept pace with the increasing economic and operational importance of transmission service.[4] Today, congestion in the transmission system impedes economically efficient electricity transactions and in some cases threatens the system's safe and reliable operation.[5] The Department has estimated that this congestion costs consumers several billion dollars per year by forcing wholesale electricity purchasers to buy from higher-cost suppliers.[6] That estimate did not include the reliability costs associated with such bottlenecks.

The National Energy Policy (May 2001),[7] the Department's National Transmission Grid Study (May 2002),[8] and the Secretary of Energy's Electricity Advisory Board's Transmission Grid Solutions Report (September 2002),[9] recommended that the Department address regulatory obstacles in the planning and construction of electric transmission and distribution lines. In response to these recommendations, the Department held a "Workshop on Designation of National Interest Electric Transmission Bottlenecks" on July 14, 2004, in Salt Lake City, Utah. The Department also issued a Federal Register notice of inquiry on July 22, 2004.[10] The purpose of the workshop and the notice of inquiry was to learn stakeholders' views concerning transmission bottlenecks, identify how designation of such bottlenecks may benefit the users of the grid and electricity consumers, and recognize key bottlenecks. In its plans for implementation of subsection 1221(a), the Department notes that it has considered the comments received via the notice and the workshop.

B. Summary of Relevant Provisions From the Statute

On August 8, 2005, the President signed into law the Energy Policy Act of 2005, Public Law 109–58, (the "Act"). Title XII of the Act, entitled "The Electricity Modernization Act of 2005" includes provisions relating to the siting of interstate electric transmission facilities and promoting advanced power system technologies. Subsection 1221(a) of the Act amends the Federal Power Act ("FPA") by adding a new section 216 which requires the Secretary of Energy (the "Secretary") to conduct a nationwide study of electric transmission congestion ("congestion study"), and issue a report based on the study in which the Secretary may designate "any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects

[1] North American Electric Reliability Council, Electricity Supply and Demand Database (2003) available at *http://www.nerc.com/esd.*

[2] Edison Electric Institute, *Survey of Transmission Investment* at 1 (May 2005).

[3] Department of Energy, *National Transmission Grid Study,* at 19 (May 2002) available at *http://www.eh.doe.gov/ntgs/reports.html.*

[4] *Id.* at 7; *see also* Hirst, U.S. Transmission Capacity Present Status and Future Prospects, 7 (June 2004).

[5] *National Transmission Grid Study, supra note* 3, at 10–20.

[6] *Id.* at 16–18.

[7] *The National Energy Policy Development Group Report,* available at *http://www.energy.gov/engine/content.do?BT_CODE=ADAP.*

[8] *National Transmission Grid Study, supra* note 3.

[9] Department of Energy Electricity Advisory Board, *Transmission Grid Solutions,* available at *http://www.eab.energy.gov/index.cfm?fuseaction=home.publications.*

[10] Designation of National Interest Electric Transmission Bottlenecks, 69 FR 43833 (July 22, 2004) also available at *http://www.electricity.doe.gov/bottlenecks.*

Enclosure 2 to Washington State Department of Archaeology and Historic Preservation, April 6, 2007 – Maps/Photos

ENCLOSURE 2

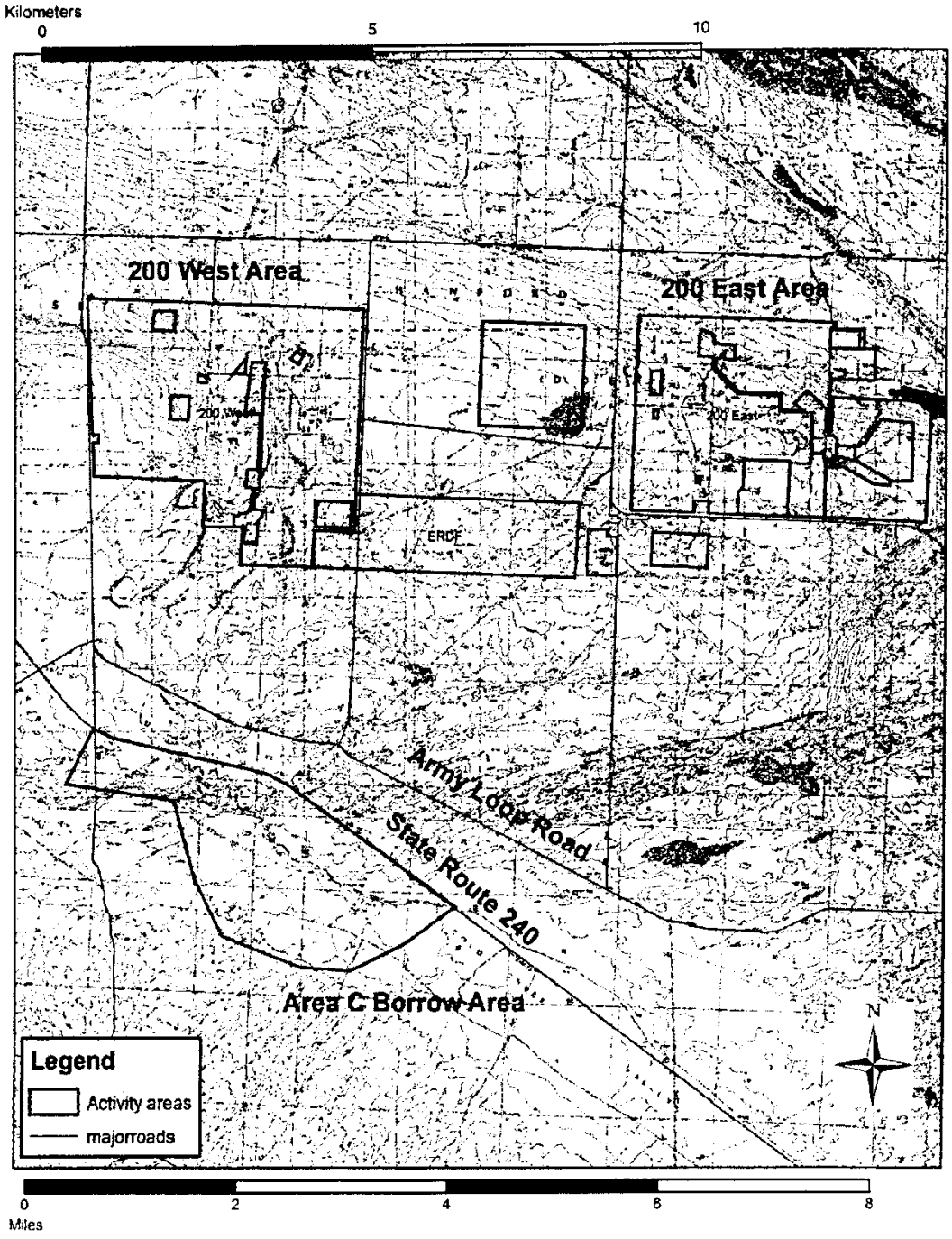
**MAPS AND VIEWSHED PHOTOS
FOR THE
TANK CLOSURE AND WASTE MANAGEMENT
ENVIRONMENTAL IMPACT STATEMENT**

**WHOLE APE ON 7.5'USGS TOPOGRAPHIC MAP
(LOCATED WITHIN RIVERLANDS, HANFORD, GABLE BUTTE,
IOWA FLATS AND SNIVELY BASIN)**

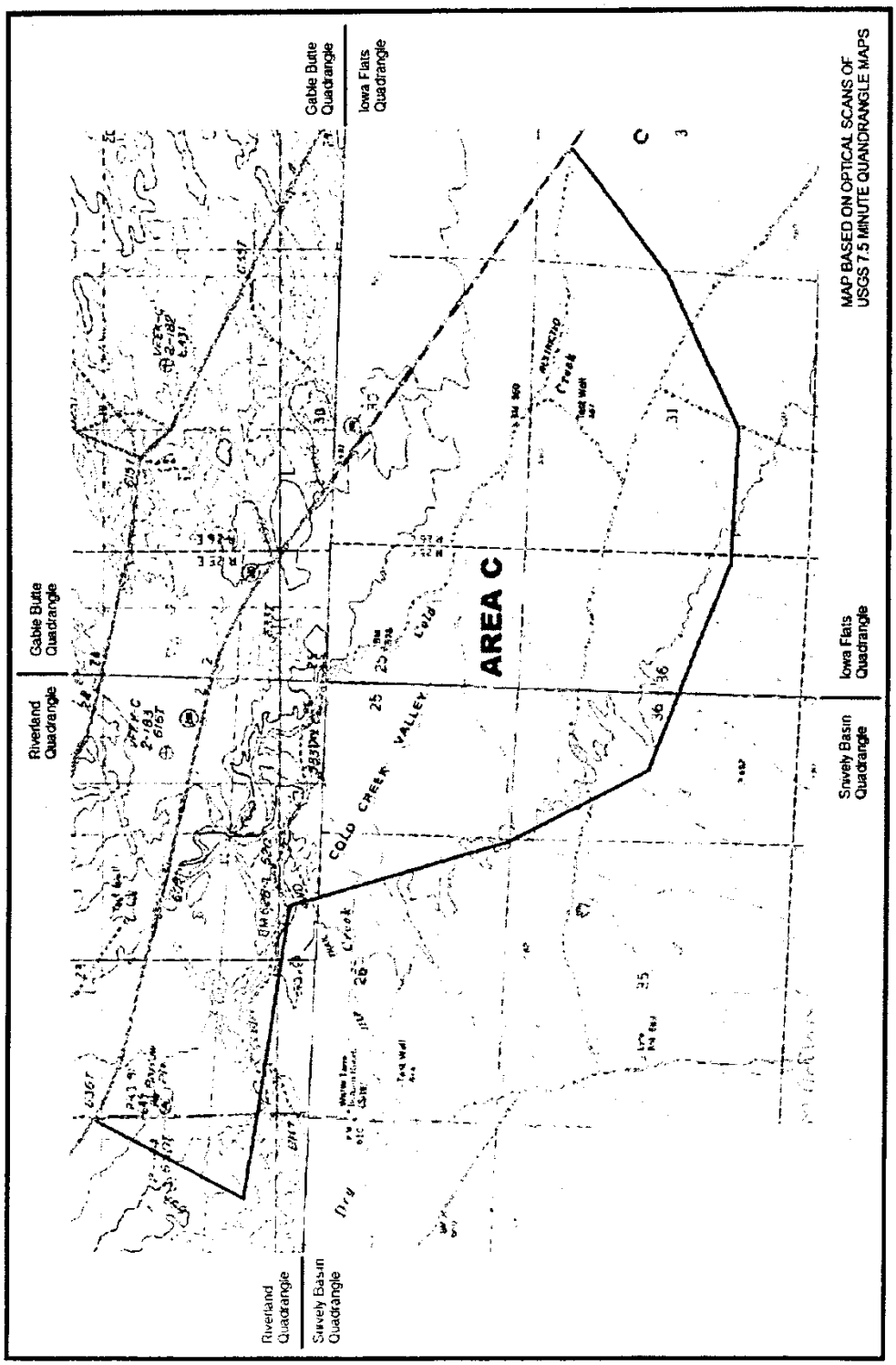
AREA C APE ON 7.5 USGS TOPOGRAPHIC MAP

**VIEWSHED PHOTOS
RATTLESNAKE MOUNTAIN LOOKING NORTH
GABLE MOUNTAIN LOOKING SOUTH**

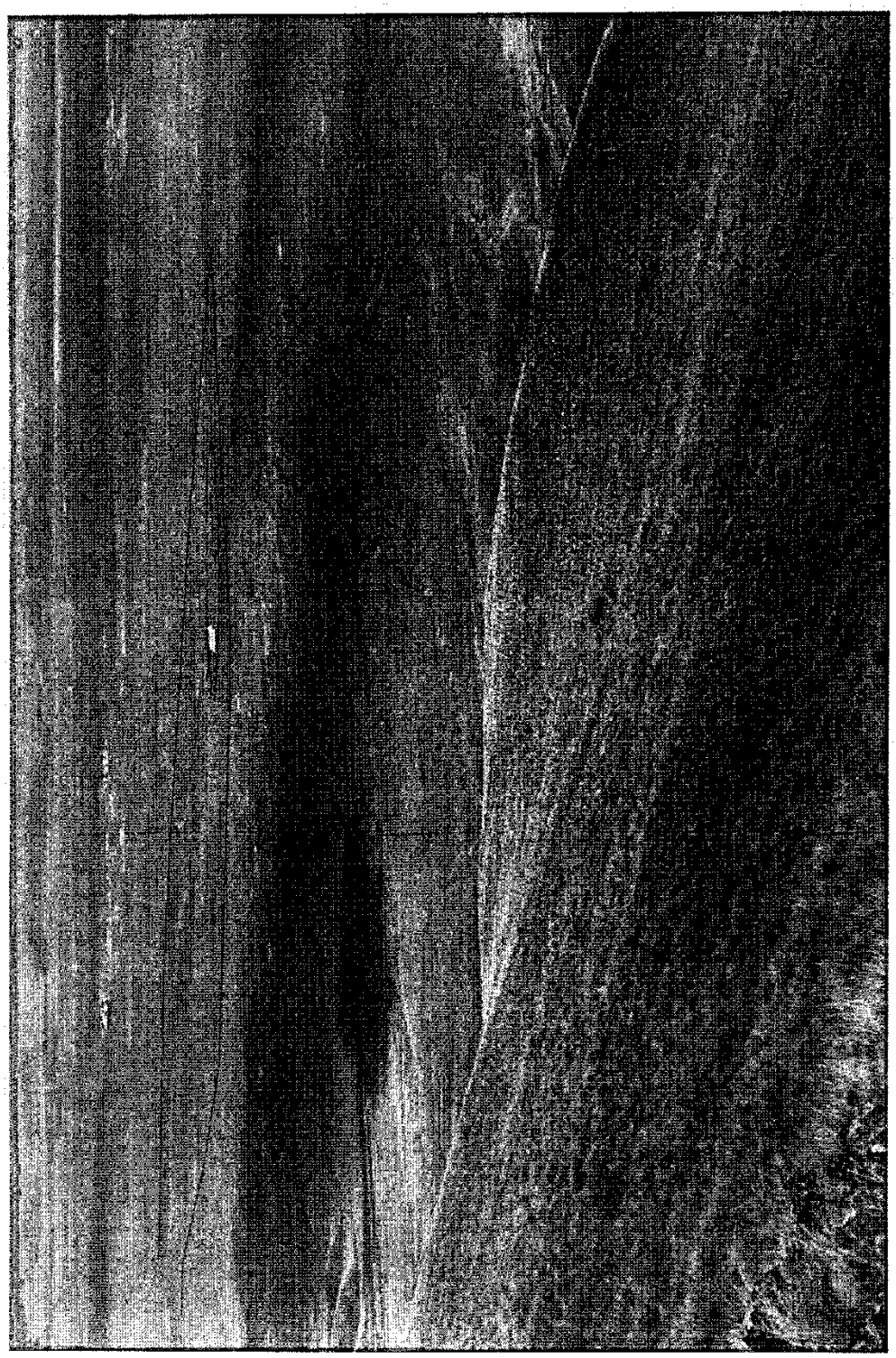
Enclosure 2 to Washington State Department of Archaeology and Historic Preservation, April 6, 2007 – Maps/Photos *(continued)*



Enclosure 2 to Washington State Department of Archaeology and Historic Preservation, April 6, 2007 – Maps/Photos *(continued)*



Enclosure 2 to Washington State Department of Archaeology and Historic Preservation, April 6, 2007 – Maps/Photos *(continued)*



Enclosure 2 to Washington State Department of Archaeology and Historic Preservation, April 6, 2007 – Maps/Photos *(continued)*

ADVISORY COUNCIL ON HISTORIC PRESERVATION – APRIL 10, 2007

Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

APR 10 2007

07-SED-0230

John M. Fowler, Executive Director
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

Dear Mr. Fowler:

TRANSMITTAL OF AREA OF POTENTIAL EFFECT (APE) FOR TANK CLOSURE AND WASTE MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT FOR THE HANFORD SITE, RICHLAND, WASHINGTON

For your information, the U.S. Department of Energy, Richland Operations Office is providing you documentation to initiate the National Historic Preservation Act Section 106 process and to provide your office with the APE for the proposed activities under evaluation in the Tank Closure and Waste Management Environmental Impact Statement. The cultural resource review and results of surveys conducted for the project will be provided to your office when available. If you have any questions, please contact Pete J. Garcia, Jr., Director, Safety and Engineering Division, on (509) 372-1909.

Sincerely,

Doug S. Shoop, Assistant Manager
for Safety and Engineering

SED:ALR

Enclosures *

cc w/encls:
D. Klima, ACHP
T. McCulloch, ACHP

cc w/o encls:
E.P. Kennedy, PNNL

* Enclosures are not reproduced here. See April 6, 2007, letter to Washington State Department of Archaeology and Historic Preservation on page C–97, which includes the same enclosures.

WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION – July 30, 2007

Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

JUL 30 2007

07-SED-0325

Dr. Allyson Brooks
State Historic Preservation Officer
Department of Archaeology and Historic Preservation
Washington Department of Community,
Trade and Economic Development
P.O. Box 48343
Olympia, Washington 98504

DETERMINATION OF ADVERSE EFFECT AND TRANSMITTAL OF CULTURAL RESOURCE REVIEW FOR TANK CLOSURE AND WASTE MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT PROJECT (TC&WM EIS) (# 2007-600-018)

The Area of Potential Effect for the TC&WM EIS project was transmitted to your office on April 6, 2007 (Letter 07-SED-0218). A cultural resource review (CRR) and an inventory report in support of the proposed actions being evaluated in the TC&WM EIS are enclosed (Enclosure 1). Several CRRs associated with this project exist, and parts of Area C have been reviewed in the past. As indicated in the enclosed review and inventory report, the review of Area C is complete and some monitoring has been suggested. Key CRRs that are associated with this project are as follows:

CRR Title	Scope	CRR No.
TC&WM EIS	Entire Project Scope which includes areas within the Central Plateau as well as all of Area C	HCRC # 2007-600-018 (2007)
ALE Quarry Reserve Borrow Site	145 acres within Area C	HCRC #2006-600-008 (2006)
Haul Road to the ALE Quarry Reserve	149 acres within Area C	HCRC #2005-600-012 (2005)
Area C Sampling	52 acres within Area C	HCRC #2003-600-023 (2003)
Solid Waste EIS Area C	Area C (approx. 2283 Acres)	HCRC #2002-600-012 (2002)

The CRR transmitted to your office on June 28, 2006 (Letter #06-ESD-0104) was associated with use of a 145-acre area for the initial development of a silt-loam borrow source for the construction of evapotranspiration (ET) barriers over waste sites located within the 200 Areas of the Hanford Site. The 145-acre area is located within the larger Area C Borrow Area of approximately 2283 acres.

WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION – July 30, 2007 *(continued)*

The Richland Operations Office (RL) is focusing on the remediation of the 200-UW-1 Operable Unit (OU), where an ET barrier is to be constructed over the 216-U-8 Crib as part of a Comprehensive Environmental Response Compensation, and Liability Act (CERCLA) treatability test (Phase 1). As part of the CERCLA remedial design process, two key supporting documents have been completed for the 200-UW-1 OU: DOE/RL-2003-23, *Feasibility Study for the 200-UW-1 Operable Unit* (Feasibility Study), and DOE/RL-2003-24, *Proposed Plan for the 200-UW-1 Operable Unit* (Proposed Plan). Based on public and tribal comments received on the Proposed Plan, the application of surface barriers at the OU is being re-examined and a five-year treatability test will be performed. National Environmental Policy Act (NEPA) coverage for Phase 1 will be addressed by incorporating NEPA values into the CERCLA process.

Phase 1 activities will likely disturb three separate sites.

- The barrier will be placed at the 216-U-8 waste site, which is located in an area that has been extensively disturbed. Approximately 5 acres will be re-disturbed as the barrier is constructed. No archaeological sites are known to be located within the 200-UW-1 OU. (HCRC# 2003-200-023). However, the project area is located within the viewshed of Rattlesnake Mountain, a Traditional Cultural Property.

- Approximately 10,000 cubic yards of fine-grained soil will be extracted from approximately 2 acres, with approximately 5 acres total to be disturbed, within the ALE borrow site. The borrow site is within the 145-acres on ALE previously surveyed (HCRC #2006-600-008). The 2006 survey determined that no archaeological resources were located within the 145 acres. RL made a finding of "conditional no adverse effect". That finding is superseded by this finding of adverse effect.

- Sand from spoil piles from Environmental Restoration Disposal Facility will also be used.

Phase 2 activities will consist of all other activities as described in the Area of Potential Effect for the TC&WM EIS, transmitted April 6, 2007 (Letter 07-SED-0218). NEPA coverage for Phase 2 activities, will be provided by the TC&WM EIS.

RL determines that under NHPA section 106, Phase 1 actions and Phase 2 proposed actions would have an adverse effect on historic properties and potentially eligible properties Specific information about the adverse effects is contained in the key CRRs referenced above. Enclosure 2 outlines the findings for the Phase 1 and Phase 2 projects. We wish to renew the consultation process that has been ongoing for Area C since 2002. In accordance with 36 CFR 800.4(b)(2) and 36 CFR 800.5(a)(3), DOE is using a phased process and plans to focus first on Phase 1. DOE plans to develop a Memorandum of Agreement for Phase 1 and Phase 2 in consultation with your office and area Tribes. The initial focus will be on Phase 1 with the goal of memorializing ways to avoid, minimize and mitigate the adverse effects. DOE will also be inviting the participation of the Advisory Council on Historic Preservation.